

## APPENDIX

## Communication from Senator Graves

Austin, Texas,  
June 17, 1941.

Hon. Coke R. Stevenson, Lieutenant Governor, Presiding Officer of the Senate.

Dear Governor: I was unavoidably absent from the session of the Senate on June 16, and I am asking that this note be inserted in the Journal.

Had I been present I would have voted for the final passage of H. B. No. 796.

I was also similarly detained on June 17, and had I been present, I would have voted for the adoption of the Conference Committee report on H. B. No. 199.

Sincerely yours,  
W. C. GRAVES,  
Senator of the  
Eleventh District.

## SEVENTY-NINTH DAY

## Continued

(Thursday, June 19, 1941)

The Senate met at 10:00 o'clock a. m. and was called to order by the President.

## Message from the Governor

The President laid before the Senate and had read the following message from the Governor:

Austin, Texas,  
June 18, 1941.

To the Senate of the Forty-seventh Legislature.

Complying with the request contained in S. C. R. No. 80, by Mauritz, I am today returning to the Senate for correction, Senate Bill No. 429 by Mauritz.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

## Message from the House

A Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
June 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has adopted the Conference Committee report on H. B. No. 29 by a vote of 105 ayes, 11 noes.

The House has adopted the Conference Committee report on H. B. No. 284 by a vote of 122 ayes, 2 noes.

The House refused to concur in Senate amendments to H. B. No. 1084 and has requested the appointment of a Conference Committee to consider the differences between the two Houses and appoints: Lock, Burnaman, Hargis, Coker and Kinard.

The House has concurred in Senate amendments to H. B. No. 845 by a viva voce vote.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

## House Bill 268 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 268, relating to establishment of a State hospital for cancer treatment and research, on its passage to third reading.

Senator Sulak offered the following amendment to the bill:

Amend H. B. No. 268 by striking out all of Section 11 and inserting in lieu thereof the following:

"Section 11. There is hereby appropriated from the General Revenue Fund of the State of Texas, from funds not otherwise appropriated, the sum of One Hundred Thousand (\$100,000.00) Dollars for the location, erection, and equipping of the Texas State Cancer Hospital; together with the further sum of One Hundred Thousand (\$100,000.00) Dollars for the location, erection and equipping of the Division of Cancer Research; and together with the sum of Fifty Thousand (\$50,000.00) Dollars for the biennium commencing September 1, 1941, for the operation and maintenance of said institutions."

Question—Shall the amendment be adopted?

## House Bill 414 on Second Reading

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 414 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 414, A bill to be entitled "An Act amending Section 1 of Chapter 58 of the General Laws of the Forty-second Legislature, Regular Session, as amended by Chapter 97 of the General Laws of the Forty-third Legislature, Regular Session; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 414 by adding at the end of Section 1 thereof the following:

"The words, 'gas lift,' when used in this Section shall mean gas lift by the use of gas not in solution with oil produced." And amend the caption to conform.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 414 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 414 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill Spears

#### Report of Conference Committee on House Bill 284

Senator Van Zandt submitted the following report of the Conference Committee on H. B. No. 284:

Conference Committee Room,  
Austin, Texas,  
June 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee appointed to adjust the differences between the Senate and the House of Representatives on

H. B. No. 284, A bill to be entitled "An Act providing for a more efficient Public School System in Texas; making an appropriation of \$8,444,190.00 for each year of the biennium, ending August 31st, 1943, allocating the funds so appropriated; providing, etc. . . .; and declaring an emergency."

Have had the same under consideration and beg to advise that we have reached an agreement and recommend the passage of the attached bill.

Respectfully submitted,

AIKIN,  
VAN ZANDT,  
METCALFE,  
FORMBY,  
LOVELADY,

On the part of the Senate;

ALSUP,  
BULLOCK,  
LUCAS,  
MORRIS,  
LOCK,

On the part of the House.

H. B. No. 284, A bill to be entitled "An Act providing for a more efficient Public School System in Texas; making an appropriation of \$8,444,190.00 for each year of the biennium, ending August 31st, 1943, allocating the funds so appropriated; providing for the administration thereof by the State Superintendent of Public Instruction, the Department of Education, Director of Equalization; creating a Joint Legislative Advisory Committee; defining its powers and duties and giving it supervisory powers for the administration of said appropriation and allocations; defining what schools and school districts may receive aid with certain exceptions thereto; providing for a system of transporting scholastics to and from schools under certain conditions and limitations with reasonable exceptions thereto; providing for the method and manner of paying therefor; providing for the payment of high school tuition and designating who and what schools may receive same with certain exceptions and limitations; providing for budgets to determine eligibility on a basis of need with certain limitations, restrictions and exceptions; providing for duties of county board of trustees, county superintendent, boards of trustees and other school officials in regard to the administration of this Act; requiring certain reports from such persons and boards; providing for the making of applications for tuition, transportation and salary aid on the basis of budgetary need therefor with certain exceptions and restrictions; providing for a place and time of filing such applications on the part of all school districts and school employees; providing for a penalty for failure to file such applications within a time required by this Act; providing for a system of contract schools as same applies for the school year ending August 31, 1942 and a different system of contract schools for the school years thereafter; providing for a method of contracting such schools; providing for penalties for the violation of this Act; prohibiting the use of the monies herein appropriated for any purposes other than same was appropriated, allocated or distributed; providing for the length of term of certain schools; providing the method and manner of paying teachers on a salary schedule under this Act; giving the Joint Legislative Advisory Committee certain appellate powers and authorizing said

committee to employ certain persons to aid it in carrying out its duties; making certain allocations for the payment thereof; requiring said committee to make certain investigations for recommendations to the Legislature; repealing all laws and parts of laws in conflict with this Act; providing for a severance clause if any part of this Act be declared unconstitutional; providing for the duties of the State Board of Education in the event said Joint Legislative Advisory Committee becomes inoperative for any purpose; providing for an effective date of this Act; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

#### Article 1. Eligibility for Aid.

Section 1. Scholastic Population of the District. State aid under the provisions of this Act shall be distributed in such a way as to assist all school districts which have not fewer than twenty (20) nor more than five hundred (500) original enumerated scholastics within the grades classified to be taught remaining in the district after transfers out, and consolidated and/or rural high school districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated and/or rural high school district unit; provided that the maximum limitations as to scholastic population for eligibility herein set forth shall not apply for any type of aid to any school district which is nine (9) miles or more in length or contains forty-eight (48) square miles of territory or more, provided there is not located in such district an incorporated city or town having a population of more than thirty-six hundred (3600) inhabitants, according to the last preceding Federal census. Districts maintaining a school at home and having less than an average of one (1) enumerated scholastic per square mile are exempt from said minimum scholastic requirement and are eligible for aid for only one teacher unless a geographical barrier necessities the operation of two schools for the same race in said district, such geographical barrier to be determined by the State Department of Education subject to the approval of the Joint Legislative Advisory Committee. If they can show budgetary need therefor, all other districts hav-

ing less than said minimum scholastic requirement, shall be eligible for only tuition and transportation aid to the nearest accredited school on enumerated scholastics whose grades are not taught in such district.

**Sec. 2. Tax Levy.** No school district shall be eligible to receive any type of aid authorized under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying and collecting for the current school year a local maintenance school tax of not less than fifty (50c) cents on the One Hundred (\$100.00) Dollars of property valuation in the entire district. The property valuations shall not be less than said property is valued for State and county purposes. The income from such a maintenance tax in excess of the required fifty (50c) cents maintenance tax must first be used to retire indebtedness, if any, in the local and Equalization (Rural Aid) school funds. After the indebtedness in these funds, if any, has been retired the income from this maintenance tax in excess of the required fifty (50c) cents maintenance tax may be used at the discretion of the local school authorities of the district for any lawful school purpose. Provided that no local funds may be used to increase teachers' salaries directly or indirectly above the salary schedule provided for in this Act. Any or all maintenance tax above fifty (50c) cents may not be included in the calculation of need for aid but shall be reported in the budget. If the income from the maintenance tax above fifty (50c) cents is not spent as prescribed herein, it shall be included as receipts in the budget. In order to comply with the terms of this Section it shall be necessary for such school districts applying for any type of aid authorized under the terms of this Act, to report all valuations within such districts including all consolidated districts and annexed districts and failure to report all such valuations shall prevent such district from receiving any type of aid authorized under this Act. Provided that the tax provisions and other inhibitions provided in said Act shall not apply to the school where the Alabama Indians attend school in Polk County, Texas.

**Sec. 3. Distance Between Schools.**—No aid shall be granted to any school under the provisions of this

Act which is located within two and one-half ( $2\frac{1}{2}$ ) miles of another school of the same race, unless on account of the conditions of the roads and other physical features it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidated and/or rural high school district, nor to any district which at some previous election has voted to remove such conditions by consolidation, nor to any school district that has received State aid for the preceding five (5) years when need is shown as provided in this Act, nor to any district whose school building is two and one-half ( $2\frac{1}{2}$ ) miles or more from the nearest accredited high school building.

**Sec. 4. Average Daily Attendance.**—No school shall be granted salary aid under the provisions of this Act whose average daily attendance is less than sixty-five per cent (65%) of the scholastic census enrollment for either white or colored school. However, salary aid may be granted to any school whose average daily attendance is sixty-five per cent (65%) or more of the scholastics necessary for the teachers actually employed. The sixty-five per cent (65%) average daily attendance shall be determined by a rule provided therefor by the Department of Education with the approval of the Joint Legislative Advisory Committee. The provisions of this Section shall not apply to any school where there is any kind of epidemic of sickness that has resulted in a quarantine and such exemption may be allowed only with the approval of the State Department of Education and when the facts are determined and certified to by the County or State Health officer residing in the area affected. Provided this average daily attendance requirement does not apply to districts having parochial schools located therein.

**Article 2. The Application for State Aid.**

**Section 1.** The trustees of the districts authorized to apply for aid under the provisions of this Act shall send to the State Superintendent of Public Instruction on forms provided by said authority, and which have been approved by the Joint Legislative Advisory Committee, a list of the teachers employed in the schools, showing the monthly salary, ex-

perience, and training of each, together with an itemized statement of all anticipated receipts and budgeted expenditures, the length of term, and such other information, as may be required. The State Superintendent shall, subject to the provisions of this Act, grant to the school an amount of aid as will, with the State and County Available funds, together with all other funds including tuition, maintain the school for such a period and in such a manner as authorized in this Act. The application shall be sworn to by the local superintendent and county superintendent, and president and secretary of the board of trustees of each of the districts applying for aid. School districts accepting aid under the provisions of this Act shall share in the distribution of State and County Available School Funds and in all other funds as herein may be provided.

Sec. 2. Filing Date. All applications for any type of aid authorized herein, except tuition aid, shall be on file with the State Department of Education in Austin not later than October 1 of each scholastic year for which aid is asked.

#### Article 3. Salary Aid.

Section 1. Teacher-Pupil Quota. State aid under provisions of this Act shall be allotted upon the basis of one teacher for any number of scholastics from twenty (20) to thirty-five (35) and one (1) additional teacher for each additional thirty (30) scholastics, or fractional part thereof, residing in the district. It is expressly provided that in the event scholastics are transferred into the district the excess fractional part thereof shall not be less than two (2) scholastics. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, and excluding the transfers out of the district, provided such transfers are from districts eligible to receive aid under Article 1 of this Act, for the current year; and there shall be deducted all scholastics who have completed the course of study in their home school, as classified by the county board of trustees, and those whose grades are taught within the district from which they are transferred unless such scholastics maintain an average daily attendance of sixty-five per cent (65%) in the district to which they are transferred

for the first sixty (60) school days. Where unusual or extraordinary conditions cause an actual increase in enrollment so that the average daily attendance of a school reaches a point in excess of the net scholastics remaining in the district after transfer, an adjustment for the remainder of the school year as to the number of teachers may be made by the State Superintendent subject to the approval of the Joint Legislative Advisory Committee, in which case said average daily attendance becomes the basis for the teacher-pupil quota.

Sec. 2. Salary Schedule and Length of Term. No part of the aid herein provided shall be used for increasing the monthly salary of any teacher, except as herein authorized, and funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such aid on the basis of a schedule of teachers' salaries as determined by the State Board of Education for the school year 1938-39. The annual salary of teachers in accredited schools shall be the monthly salary as determined by such schedule multiplied by nine (9). The annual salary of teachers in unaccredited schools shall be the monthly salary as determined by said schedule multiplied by eight (8). The annual salary of Superintendents of accredited schools with eight (8) or more recognized affiliated credits and entitled to six (6) teachers or more under Section 1 of this Article, Vocational Agriculture teachers, and Trades and Industries teachers shall be the monthly salary as determined by said schedule multiplied by twelve (12). The annual salary of Home Economics teachers shall be the monthly salary as determined by said schedule multiplied by ten (10). All such authorized salaries may be paid in twelve (12) equal payments, which shall not exceed the contract or the salary schedule, beginning with September 1 of each year. Salaries of Superintendents and Vocational teachers may begin on July 1 rather than September 1. All schools of the accredited class receiving aid shall provide a term of approximately nine (9) months, and schools of the unaccredited class receiving aid shall provide a term of approximately eight (8) months. An accredited school is herein defined as a school teaching either the elementary grades, the elementary grades

plus two (2) years of high school, or the elementary grades and four (4) years of high school and recognized by the State Department of Education as doing standard work. Should any school district eligible to receive aid under the provisions of this Act maintain a salary schedule in excess of the salary schedule, as determined by the State Board of Education for the school year 1938-39, the amount of aid received by such school district shall be reduced by the amount of such excess.

#### Article 4. High School Tuition Aid.

Section 1. It is hereby expressly provided that a sufficient amount of funds allocated by this Act shall be used for the payment of high school tuition not to exceed Seven and 50/100 (\$7.50) Dollars per pupil per month, and in no instance shall more than five (5) months tuition be paid for any one pupil on the census roll for any one school year. High school tuition shall be paid according to the provisions of H. B. No. 158, General Laws, Regular Session, Forty-fourth Legislature, as amended, and subject to the limitations and restriction provided in this Act. In the event a receiving high school has its budget balanced with salary aid, there shall be deducted from the salary aid grant of such school any amount of tuition collected from sending districts, and all such collections shall be included in the revenue section of the State aid application. Such revenues shall include the total tuition received for the preceding school year by such school districts. In no event shall any salary aid school receive tuition aid in any amount which, together with the salary aid granted, exceed the budgetary need as indicated by the approved State aid applications. Receiving schools refusing to accept said approved rate as the maximum amount to be charged shall not be eligible to receive State High School Tuition Aid Funds. It is further provided that tuition aid as above set out shall be granted for pupils transferred into a district from an orphan's home or from either of the State Training Schools. Provided further that in consolidated districts comprising nine hundred (900) square miles or more of territory the above limitations and restrictions shall not apply, but instead a straight tuition payment of Seven and 50/100 (\$7.50) Dollars per month per pupil shall be

ated in the consolidated district and living within the present boundaries of any territory annexed or otherwise consolidated to the central receiving high school. Provided further that school districts whose area does not exceed sixteen (16) square miles and having an accredited high school of sixteen (16) units or more which serve Teacher Training Institutions as practice teaching laboratories shall upon the approval of the Joint Legislative Advisory Committee receive a tuition payment of not to exceed Seven and 50/100 (\$7.50) Dollars per month for not to exceed five (5) months on all high school pupils enumerated in said district. And providing further that high school tuition of not to exceed Two and 50/100 (\$2.50) Dollars per month per scholastic shall be granted for pupils in consolidated and rural high school districts composed of not less than three (3) original districts, and whose valuation is less than Fifteen Hundred (\$1,500.00) Dollars per scholastic population and whose budget shows a need therefor, and that maintains an affiliated high school of not less than sixteen (16) units.

Sec. 2. Application for Tuition Aid. It shall be the duty of the county superintendent to receive and check all high school tuition applications to determine the following facts: age of pupil, the district in which he was enumerated, the district in which he lives, the district in which he attends school, the grade in which the pupil is classified in the receiving district, the highest grade taught in the home district of the pupil, and the amount of time the pupil was in actual attendance at the receiving school. When such application has been reviewed and checked as herein provided, same shall be properly sworn to by said county superintendent, the president and/or secretary of the school board of the sending district of the pupil, and the superintendent of the receiving school, before said application is transmitted to the Director of Equalization at Austin, Texas, for his rejection, modification, or approval, and no such application shall be considered by the Director of Equalization unless same has been duly deposited with him at Austin, Texas, within sixty (60) days after his request for same, and in no instance later than June 1 of the current school year.

## Article 5. Transportation Aid.

Section 1. The County Superintendent and County School Boards of the several counties of this State, subject to the approval of the State Superintendent of Public Instruction, are hereby authorized to annually set up the most economical system of transportation possible for the purpose of transporting both grade and high school pupils from their districts, and within their districts. The county shall be regarded as the unit and the warrant made payable to the County Board Transportation Fund, on the total transportation earned within the county not to exceed the total approved cost thereof, and the County Board of Education shall distribute the funds equitably to the districts operating such transportation system not to exceed the actual approved cost of any one bus so operated. The expense of such transportation shall be paid on the basis of budgetary need as indicated by approved State aid application, out of the funds herein allocated for transportation aid, not to exceed Two (\$2.00) Dollars per month per pupil for those attending the most convenient accredited high school and not more than One and 50/100 (\$1.50) Dollars per month per pupil for those transported to elementary schools; provided that if there be no convenient accredited high school, that such pupil may obtain like aid under the provisions of this Article when attending any near high school of higher classification than the sending district when designated by the County Board; provided however, all school districts conforming to county unit system of transportation and receiving no other type of aid, either tuition or salary, and comprising three or more consolidated districts containing fifty (50) square miles or more of territory and employing three (3) or more less teachers than such school district teacher-pupil quota would permit may receive transportation aid only on a transportation budget showing need therefor on the basis of Two (\$2.00) Dollars per month on all high school pupils who reside two and one-half (2½) miles or more from the school attended and One and 50/100 (\$1.50) Dollars per month on all elementary pupils residing two and one-half (2½) miles or more from its nearest grade school within such district; and providing further that all school districts containing one hundred (100)

square miles of territory or more may receive Two (\$2.00) Dollars per month per pupil as transportation aid when there is a need shown therefor as provided herein and when same is recommended by the Director of Equalization and approved by the Joint Legislative Advisory Committee. Provided that transportation aid of One (\$1.00) Dollar per month per pupil transported more than two and one-half (2½) miles shall be paid to all school districts that contain nine hundred (900) square miles or more of territory and that operate twenty-five (25) or more buses and that levy a school tax of One and 50/100 (\$1.50) Dollars on each One Hundred (\$100.00) Dollars of valuation; provided further that such aid shall be paid regardless of all other limitations or restrictions imposed in this Act. Transportation aid may be extended to the school district in which the boys training school at Gatesville is located on all pupils residing on the properties of said institution other than inmates thereof, notwithstanding, tax requirements set up in this Act.

Sec. 2. In no instances may aid be granted for pupils transported who attend a grade in another school which grade is taught in such pupil's home district. No transportation aid shall be granted for a pupil being transported out of his home school district if two or more receiving schools are applying for transportation aid from such pupil's home district unless the bus routes through such district have been approved by the State Department of Education, and such approval confirmed by the Joint Legislative Advisory Committee. Aid shall not be granted under any provisions of this Article unless the pupil so transported actually resides more than two and one-half (2½) miles from the school attended and is transported in an approved bus over an approved route. Provided that the county superintendent shall locate a point on each bus route two and one-half (2½) miles from the receiving school and after such point is established he shall personally determine whether the school is requesting transportation aid on any pupil residing within the two and one-half (2½) mile limit. It shall be the duty of the Deputy State Superintendent to determine whether any district is requesting transportation aid on pupils living within the said two and one-half (2½) mile



limit, and any district requesting aid on such pupil shall become ineligible for transportation aid on each bus transporting such pupils.

Sec. 3. A school requesting transportation aid on a student who is not an approved scholastic of his home district, shall list such students separately on the application, giving such information as may be requested by the Department of Education and the Joint Legislative Advisory Committee. The Department of Education, subject to approval of the Joint Legislative Advisory Committee, shall formulate rules to determine the eligibility of students who are not approved scholastics of their home districts.

Sec. 4. County Boards of Trustees are hereby authorized to employ bus drivers for one year and the salary of no bus driver may be paid out of the County Board Transportation Fund created herein unless such bus driver is so employed. Provided further, that only pupils or persons directly connected with the school system shall be transported on school buses while in the process of transporting pupils to and from the school and any bus driver violating the foregoing provisions shall forfeit his contract and shall be immediately discharged by the County Board of Trustees. However, subject to the provisions herein, bus drivers who own their own buses and are so employed may be given a contract for not to exceed two (2) years conditioned that said bus drivers agree to make improvements on their buses, so as to more adequately insure safer transportation for the scholastics, and the route of such bus is not changed for the second year of the contract.

Article 6. Duties of the State Superintendent of Public Instruction and of the Joint Legislative Advisory Committee.

It shall be the duty of the State Superintendent of Public Instruction, and he is hereby authorized, to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act, subject to the approval of the Joint Legislative Advisory Committee created in this Act, and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent of Public

Instruction to appoint the number of Deputy State Superintendents hereinafter authorized to make a thorough investigation, in person, of the school plant, teaching staff, and financial condition of each school applying for aid; and no aid shall be given unless it can be shown that all provisions of this Act have been complied with and that such amount of aid actually needed as shown by the approved budget and actual expenditures and that the funds are being used as approved. The State Superintendent of Public Instruction shall employ twenty-four (24) Deputy State Superintendents and such other employees as may be authorized in the Departmental Appropriation Bill for the biennium ending August 31, 1943, and shall pay such salaries as are therein authorized and expend such other monies as therein permitted out of the appropriation as shown for the Equalization Division of the Department of Education as herein provided and allocated, and such deputies and other employees shall be used exclusively for the administration and supervision of this Act. In order to carry out and expedite the provisions of this Act, each of the twenty-four (24) Deputy State Superintendents authorized to be appointed herein, shall reside in the respective supervisory districts twelve (12) months in the year, except when out of the district on authorized vacation or on official business. The salaries and traveling expenses and other contingent expenses of the herein authorized employees are hereby appropriated. All of the appropriation for the administration of this Act shall be used exclusively by the Equalization Division and none of the appropriation for travel and contingent expense shall be used except by the Director of Equalization, the Executive Secretary and the regularly employed Deputy State Superintendents. In the event the appropriations and allocations of aid made herein are insufficient to pay the total of all applications showing need, the State Superintendent and the Director of Equalization subject to the approval of the Joint Legislative Advisory Committee shall reduce all applications pro rata so as to bring the aggregate of all applications approved within the appropriations and all allocations herein made, and in order to accomplish this, said director shall reduce the authorized expenditures of



all schools applying for Salary Aid pro rata; shall lower the tuition rate of all schools applying for Tuition pro rata; and decrease the Transportation Aid of each scholastic transported pro rata, so as to bring the total Salary Aid, Tuition Aid and Transportation Aid within the allocations herein set forth. Appeals from the decision of the State Superintendent shall be made to the Joint Legislative Advisory Committee for adjustments and the decisions of said committee shall be final.

#### Article 7. Function of the Deputy State Superintendents.

The Deputy State Superintendents authorized under the provisions of this Act are hereby directed to visit all schools desiring aid under the provisions of this Act. Such inspection as required in Article 6 shall be completed and reports made to the Director of Equalization not later than January 31st of each scholastic year. Such Deputy State Superintendent shall advise with school officials concerning proper budgeting of their school funds and assist the districts in making their applications for aid. During the second semester of the year the Deputy State Superintendent shall again check to ascertain whether the standards are being maintained and the funds used as approved. All schools affected either directly or indirectly by this Act desiring to become accredited or affiliated by the State Department of Education shall make application upon a form to be furnished by the State Department of Education to the Deputy State Superintendent in whose district the school is located. The Deputy State Superintendent shall make his recommendation to the State Superintendent of Public Instruction who shall approve or reject said application.

#### Article 8. Transfer of the Entire District by Contract.

Section 1. For the school year 1941-42, upon the agreement of the board of trustees of the districts concerned or on petition signed by a majority of the qualified voters of the district and subject to the approval of the county superintendent, State Superintendent, and Joint Legislative Advisory Committee, the trustees of a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment, or any number of grades thereof, to a convenient school of higher rank, and

in such event, all of the funds of the district, including the State aid to which the district would otherwise be entitled under the provisions of this Act, or such proportionate part thereof as may be necessary shall be used in carrying out said agreement; provided that no aid shall be allowed for teachers that are not actually employed in the contracting schools.

Sec. 2. For the school years thereafter, upon the agreement of the board of trustees of the districts concerned or on petition signed by a majority of the qualified voters of the district and subject to the approval of the county superintendent, and the State Superintendent, a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment for one year to an accredited school of higher rank. If the receiving school receives State aid, the scholastic census rolls both white and colored shall be combined, the per capita apportionment shall be paid direct to the receiving school, all local taxes of the sending contracting district, except those going to the interest and sinking fund shall be credited to the receiving school by the tax collector as collected, and the teacher-pupil quota shall be based on the combined census total. If the receiving school is not a State aid school, the scholastic census rolls both white and colored shall be combined, the per capita apportionment shall be paid direct to the receiving school, all local taxes of the sending contracting district except those going to the interest and sinking fund shall be credited to the receiving school by the tax collector as collected, and the sending contracting district will be eligible for as much salary aid as is necessary to supplement the State Available and Local Maintenance funds, on the scholastics from the sending district attending a school in the receiving district, to cover the approved cost of instruction per scholastic in the receiving school, provided that such approved cost shall not exceed Seven Dollars and Fifty Cents (\$7.50) per month for high school students or Five Dollars (\$5.00) per month for elementary students.

#### Article 9. Disbursements.

Section 1. Warrants for all money granted under the provisions of this Act shall be approved and transmitted by the State Superintendent of Public Instruction to treasurers of de-

positories of school districts to which aid is granted in the same manner as warrants for State apportionments are now transmitted. Initial payment of not more than fifty per cent (50%) of salary aid, tuition aid, and transportation aid may be made by the State Superintendent of Public Instruction after September 1 of each year of the biennium as soon as a basis for payment can be determined, and approved by the Joint Legislative Advisory Committee. Not later than January 31 of each year, the initial State inspection of all Equalization Aid Schools shall be completed. Final payment by warrant of the total amount allotted to any one school shall then be made not later than June 1, or as early as possible thereafter after the approval and upon the order of the Joint Legislative Advisory Committee, except high school tuition. Such final payments shall be made on a percentage basis so that each school approved for aid will receive the same proportion of aid.

Sec. 2. It shall be the duty of all treasurers of depositories to make annual itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act as herein directed not later than the succeeding October 1st. Districts receiving aid under the provisions of this Act shall issue warrants for not to exceed the amount approved in the budget and for the exact purpose as approved. All warrants issued against a fund shall be numbered and paid by the depository in the order issued.

#### Article 10. Counties Having No Governing School Board.

In counties which constitute a single school district and in which there is no governing body designated as the county school board, the duties authorized in this Act to be performed by the county school board are hereby conferred upon the existing governing bodies of such districts and all aid shall be granted on the basis of need after proper budgeting, the same as herein provided.

#### Article 11. Federal Government Land Purchased and University Lands.

The State Superintendent shall take into consideration in fixing allowances to school districts applying for aid, any loss sustained by such districts by reason of the location in

said districts of Federal owned lands or University owned lands. It is expressly understood that any revenues received by said school districts by virtue of this Article must be included as revenue in the budget before calculating a budgetary need for such schools applying for aid.

#### Article 12. Joint Legislative Advisory Committee.

There is hereby provided a special Joint Legislative Advisory Committee composed of five (5) members of the Senate to be appointed by the President of the Senate and five (5) Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Said committee shall promptly organize and select from its membership a chairman and a secretary and keep a permanent record of its proceedings and shall vote as a unit on all propositions coming before it for consideration. Said committee shall concur with the State Superintendent of Public Instruction in regulations and interpretations governing the administration of this Act. Said committee shall also receive and adjust appeals from the decision of the State Superintendent. Said committee is also directed to study the school laws of this State in order that said laws may be recodified. Said members are to be reimbursed for their actual and necessary expenses from the Contingent Fund of the House of the respective members for the actual and necessary expenses in performance of their duties as members of said committee on approval of the chairman of said Joint Advisory Committee and the chairman of the respective Contingent Expense Committee of each House, not to exceed Five Thousand Five Hundred (\$5,500.00) Dollars for the first year of the biennium and Two Thousand Five Hundred (\$2,500.00) Dollars for the second year of the biennium; provided that any unexpended balance occurring at the end of the fiscal year 1941-1942 in any allocation may be transferred and added to the appropriation for the year ending August 31, 1943. Should for any reason the Joint Legislative Advisory Committee fail or refuse to perform the duties herein imposed upon it, or should the duties, powers, and functions of said Joint Legislative Advisory Committee become inactive or unenforceable, then, and in that event, such duties as are herein imposed on said Joint Legislative Advisory Com-

mittee shall be performed by the State Board of Education the same as if said committee had not been created or authorized.

Article 13. Appropriation and Allocation.

Section 1. Appropriation. For the purpose of promoting the equalization of educational opportunities afforded by the State of Texas to all enumerated scholastics within the State as herein provided, and for the purpose hereinabove set out, there is hereby appropriated out of the General Revenue Fund of the State of Texas not otherwise appropriated, the sum of \$8,444,190.00, for the school year ending August 31, 1942, and \$8,444,190.00 for the school year ending August 31, 1943, or so much thereof as may be necessary for the biennium ending August 31, 1943, to be allocated and expended under the provisions of this Act by the State Superintendent of Public Instruction through the Director of Equalization in the State Department of Education and under the supervision of the Joint Legislative Advisory Committee created herein.

Sec. 2. Allocation. It is herein specifically provided that out of the money appropriated for each school year of the biennium the sum of: \$4,350,000.00 is hereby set aside for salary aid; \$920,000.00 for high school tuition; \$3,039,020.00 for transportation aid; \$113,970.00 for the administration of this Act as provided herein; \$8,200.00 for the operation of the school plant division in the Department of Education, as permitted, authorized, and appropriated in the General Departmental Appropriation Bill, for the biennium ending August 31, 1943, \$5,000.00 for the census division in the Department of Education to be expended by the director thereof on order of the Joint Legislative Advisory Committee for checking and approving school census rolls in seasonal labor not to exceed 40c per hour therefor, \$8,000.00 for the purpose of employing an auditor and for such other and necessary expenses incident to the duties of the Joint Legislative Advisory Committee. Such auditor shall not receive more than \$3,600.00 per year out of the sum hereby allocated. The auditor and other authorized employees shall be appointed by the committee and their salary and necessary expenses be paid on order of said com-

mittee and all such employees shall be under the direct supervision of said committee or its order. Each of the above named allocations is for each year of the biennium.

Any unexpended balance under either of the above allocations at the end of the first year of the biennium shall be transferred by order of the Joint Legislative Advisory Committee to any allocation herein created and set up.

Article 14. Penalty Provision.

Any district violating any of the provisions of this Act shall forfeit all rights to such aid and shall be disqualified to receive any aid of any nature under any Article of this Act for the current year. Should any school district which would otherwise be eligible to receive aid fail to use the funds for the exact purpose for which they were allocated in the approved budget, such school district becomes ineligible for further aid until such offense is corrected. The amount of money granted for each type of aid except tuition shall be set up as a separate account by the district receiving same and disbursements from said accounts shall be made only for the specified purpose for which such money was granted. It shall be unlawful for any county school superintendent or the superintendent of any common or independent school district, school teacher, county trustee, and/or district trustee, or any other person to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and/or expense of any person or persons to maintain a lobby for any purpose.

Article 15. Repealing and Constitutional Clauses.

All laws or parts of laws in conflict herewith are hereby repealed, and in the event any provision of this Act is declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

Article 16. Emergency Clause.

The fact that many schools are in need of additional aid other than State per capita apportionment and local maintenance, and the public policy requires that proper provisions be made for the maintenance and support of the schools with as little delay as possible, and the further fact that

considerable time is required in preparation for carrying out the terms of this Act, creates an emergency and an imperative public necessity that the Constitutional Rule, requiring bills to be read on three several days, be, and the same is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1941, and it is so enacted.

Senator Van Zandt moved that the report be considered at this time and be adopted.

Pending consideration of the motion, Senator Lovelady occupied the Chair temporarily.

(President in the Chair.)

The motion of Senator Van Zandt prevailed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Van Zandt
Ishell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Nays—1

Sulak

Absent

Moffett

Absent—Excused

Hill : Spears

Message from the House

The Chief Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
June 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has tabled S. C. R. No. 81, providing for sine die adjournment on June 21, by a vote of 79 ayes, 49 noes.

The House has adopted the following resolutions:

H. C. R. No. 251, Authorizing certain corrections in H. B. No. 998.

H. C. R. No. 252, Authorizing the Enrolling Clerk to make certain corrections in H. B. No. 272.

H. C. R. No. 255, Suspending Joint Rules to permit the House to take up H. B. No. 161 on June 19, 1941.

The House has concurred in Senate amendments to H. B. No. 414 by a vote of 123 yeas, 0 noes.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Conference Committee on House Bill 1084

Senator Shivers called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 1084.

Senator Shivers moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Shivers, Moore, Weinert, Ramsey and York.

#### House Concurrent Resolution 240

On motion of Senator Hazlewood, the regular order of business was suspended to permit consideration of H. C. R. No. 240 at this time.

The President laid before the Senate:

H. C. R. No. 240, Providing for recess of Legislature from June 20, 1941, to July 15, 1941, and for sine die adjournment on July 18, 1941.

The resolution was read.

Senator Fain offered the following amendment to the resolution:

Amend H. C. R. No. 240 by striking the words "June 20, 1941," in line 4, and substituting therefor the words, "June 25, 1941."

Senator Metcalfe offered the following substitute for the amendment:

Amend H. C. R. No. 240 by striking out all except the last resolving clause.

Question first recurred on the substitute.

The substitute was lost by the following vote:

Yeas—1

Metcalf

Nays—27

Aikin	Martin
Beck	Mauritz
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York
Lovelady	

Absent—Excused

Hill	Winfield
Spears	

The question then recurred on the amendment by Senator Fain.

Question next recurred on the amendment.

It was lost by the following vote:

Yeas—6

Fain	Mauritz
Formby	Sulak
Lemens	York

Nays—22

Aikin	Martin
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Graves	Shivers
Hazlewood	Smith
Isbell	Stone
Kelley	Van Zandt
Lanning	Vick
Lovelady	Weinert

Absent—Excused

Hill	Winfield
Spears	

Question then recurred on the resolution.

The resolution was lost by the following vote:

Yeas—12

Aikin	Hazlewood
Cotten	Lanning
Formby	Lemens

Mauritz  
Moffett  
Sulak

Van Zandt  
Vick  
York

Nays—15

Beck	Metcalf
Brownlee	Moore
Chadick	Ramsey
Fain	Shivers
Graves	Smith
Isbell	Stone
Lovelady	Weinert
Martin	

Absent—Excused

Hill	Spears
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Paired

Senator Kelley (present), who would vote "yea" with Senator Winfield (absent), who would vote "nay."

### House Bill 166 on Second Reading

On motion of Senator Lemens, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 166 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 166, A bill to be entitled "An Act to amend Articles 4557, 4558, 4559, 4561, 4562, Title 71, of the Revised Civil Statutes of Texas, 1925, requiring all persons desiring to practice optometry in Texas to pass and examination; repealing all laws or parts of laws in conflict with this Act; declaring that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to third reading?

### Recess

On motion of Senator Aikin, the Senate, at 12:35 o'clock p. m., took recess to 2:30 o'clock p. m. today.

### Afternoon Session

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

**House Bill 1091 on Second Reading**

On motion of Senator Cotten, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 1091 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1091, A bill to be entitled "An Act to amend Article 6377 of the Revised Civil Statutes of Texas, 1925, which regulates the equipment in passenger trains; this amendment providing that the provisions of Article 6377 of the Revised Civil Statutes of Texas, 1925, shall not be applicable where railroad trains are carrying only personnel and equipment in connection with military or naval movements; repealing all laws in conflict; and declaring an emergency."

The bill was read second time and was passed to third reading.

**Record of Vote**

Senator Chadick asked to be recorded as voting "nay" on the passage of the bill to third reading.

**House Bill 1091 on Third Reading**

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1091 be placed on its third reading and final passage.

The roll call on the motion developed the fact there was not a quorum present, only nineteen members answering to their names.

Subsequently, four additional Senators appeared in the Senate Chamber and were announced present.

A quorum was announced present.

The roll was again called on the motion to suspend the constitutional rule.

The motion prevailed by the following vote:

Yeas—20

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moore
Cotten	Ramsey
Fain	Smith
Hazlewood	Stone
Isbell	Sulak
Lanning	Van Zandt
Lovelady	Vick
Martin	York

Nays—3

Chadick	Moffett
Lemens	

Absent

Formby	Shivers
Graves	Weinert
Kelley	

Absent—Excused

Hill	Winfield
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lovelady	York
Martin	

Nays—2

Chadick	Lemens
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Absent

Graves	Weinert
Shivers	

Absent—Excused

Hill	Winfield
Spears	

**House Concurrent Resolution 255**

On motion of Senator Moffett, and by unanimous consent, the regular order of business was suspended to permit consideration of H. C. R. No. 255 at this time.

The President laid before the Senate:

H. C. R. No. 255, Suspending the Joint Rules to permit consideration of H. B. No. 161 by the House on Thursday, June 19, 1941.

The resolution was read.

By unanimous consent, the resolution was considered at this time and was adopted.



### House Bill 166 on Passage to Third Reading

The Senate resumed consideration of H. B. No. 166, relating to the practice of optometry, on its passage to third reading.

Senator Lemens offered the following (committee) amendment to the bill:

Amend H. B. No. 166, Section 1, by adding after the comma following the word "Board", and before the word "and", on line 15 of said Section 1 of the original bill, the following:

"Or has studied Optometry not less than four consecutive calendar years in the office of a licensed optometrist."

Amend the caption to conform.

The amendment was adopted.

The bill was passed to third reading.

### House Bill 166 on Third Reading

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 166 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Lanning	Vick
Lemens	York
Lovelady	

Absent

Kelley	Weinert
Shivers	

Absent—Excused

Hill	Winfield
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### Record of Vote

Senator Cotten asked to be recorded as voting "nay" on the final passage of H. B. No. 166.

### House Bill 740 on Second Reading

On motion of Senator Fain, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 740 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 740, A bill to be entitled "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas, in the sum of One Thousand, One Hundred Sixty-seven and 18/100 (\$1,167.18) Dollars, not otherwise appropriated, to cover taxes due by the State of Texas to Walker County, covering the years 1932, 1939 and 1940, inclusive; and declaring an emergency."

The bill was read second time and was passed to third reading.

### House Bill 740 on Third Reading

Senator Fain moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 740 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	York

Absent—Excused

Hill	Winfield
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	York
Martin	

Nays—3

Cotten	Sulak
Isbell	

Absent—Excused

Hill	Winfield
Spears	

#### Message from the House

The Chief Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
June 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 295, A bill to be entitled "An Act authorizing the commissioners' court in every county of the State of Texas having a population of not less than nineteen thousand ten (19,010), nor more than nineteen thousand seventy (19,070), and not less than twenty-three thousand eight hundred (23,800) nor more than twenty-four thousand (24,000), and not less than fifty-four thousand (54,000), nor more than fifty-four thousand five hundred (54,500), according to the last preceding Federal Census, to pay out of the general funds of such counties the premium on the surety bond required by law to be furnished by county treasurers; repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency."

The House has appointed Mr. Bridges to replace Mr. Isaacks as a House Conferee on H. B. No. 703.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Bill 376 on Second Reading

On motion of Senator Ramsey, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 376 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 376, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to certain independent school districts and a common school district; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 376 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 376 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	York

Absent—Excused

Hill	Winfield
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	York
Martin	

Nays—3

Cotten	Sulak
Isbell	

Absent—Excused

Hill	Winfield
Spears	

#### House Bill 312 on Second Reading

On motion of Senator Stone, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 312 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 312, A bill to be entitled "An Act amending Article 2843 of the Revised Civil Statutes (1925), of the State of Texas providing for a uniform free text book system; and declaring an emergency."

The bill was read second time.

Senator Stone offered the following amendments to the bill:

(1)

Amend H. B. No. 312 by striking out all of Section 1 thereof and inserting in lieu thereof the following:

"Section 1. That Article 2843 of Chapter 16 of the Revised Civil Statutes of the State of Texas, revision of 1925 be amended and the same is hereby amended so that the same shall hereafter be and read as follows:

"Article 2843. The Textbook Commission authorized by this Act shall have authority to select and adopt a uniform system of textbooks to be used in the public free schools of Texas, and the books so selected and adopted shall be printed in the Eng-

lish language, and shall include and be limited to textbooks on the following subjects: spelling, reading, English language and grammar, geography, arithmetic, physiology-hygiene, civil government, history of the United States (in which the construction placed on the Federal Constitution by the fathers of the Confederacy shall be fairly represented), history of Texas, agriculture, a system of writing books, a system of drawing books, and may also, if deemed necessary, adopt a geography of Texas and a civil government of Texas; provided that none of said books shall contain anything of a partisan or sectarian character, and that nothing in this Act shall be construed to prevent the teaching of Bohemian, Spanish, French, Latin or Greek in any of the public schools.

"Said Textbook Commission shall also adopt a multiple list of books for use in the high schools of the State, said multiple list including not fewer than three nor more than five textbooks on the following subject: Algebra, plane geometry, solid geometry, general science, biology, physics, chemistry, a one year general history, ancient history, modern history, American history, Latin, Spanish, physical geography, English composition, history of American literature, history of English literature, physiology, agriculture and civil government and for each high school branch of study any one or several of the textbooks of said multiple list adopted for that subject may be selected; provided, however, that the several textbooks do not exceed the allowable number equivalent to one textbook for and used in any high school as the textbook or in such a branch in that high school, but when such book or books is or are so chosen by local authorities from the multiple list adopted such book or books shall be continued in that high school for the entire five years of the adoption period. Provided, however, that the multiple list herein provided for shall apply to all high schools classed by the Department of Education as high schools of the first class. For use in all other high schools a uniform system of textbooks on each subject mentioned above shall be selected by the commission; provided, that in any city or independent school district having more than one high school of the first class said city or independent school district shall adopt from said multiple

list for use in each of said high schools the same books and shall use said books so adopted for a period of not less than five years.

"Specific rules as to the manner of the selection of books by the high school shall be made by the State Textbook Commission.

"The commission, as herein provided for, shall adopt textbooks in accordance with the provisions of this Act for every public free school in this State and no public free school in this State shall use any textbook unless same has been previously adopted and approved by this commission; and the commission shall prescribe rules under which all textbooks adopted and approved shall be introduced or used by or in the public schools of the State.

"In the event as many as three suitable texts are not offered for adoption on any one subject, the commission may select fewer than three texts.

"Existing contracts shall not be affected by any adoptions made under this Act."

(2)

Amend the caption to conform.

The amendments were adopted severally.

The bill was passed to third reading.

#### House Bill 312 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 312 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	York

Absent—Excused

Hill Winfield  
Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—17

Brownlee	Moffett
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Kelley	Van Zandt
Lovelady	Weinert
Martin	York
Mauritz	

Nays—11

Aikin	Lemens
Beck	Metcalf
Chadick	Moore
Cotten	Shivers
Isbell	Vick
Lanning	

Absent—Excused

Hill Winfield  
Spears

#### Message from the House

A messenger from the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
June 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 256, Suspending Joint Rules to take up and consider H. B. No. 287 on June 19, 1941.

H. C. R. No. 257, Authorizing the loan of certain highway equipment to City of Sonora.

H. C. R. No. 259, Instructing Enrolling Clerk of House to make certain changes in H. B. No. 1038.

H. C. R. No. 260, Providing for recess of the Forty-seventh Legislature from June 21, 1941 until July 14, 1941.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

**House Bill 1061 on Second Reading**

On motion of Senator Van Zandt, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 1061 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1061, A bill to be entitled "An Act to amend Section 1 of S. B. No. 41, Acts of the Forty-second Legislature, Regular Session, approved May 5, 1931, being an Act defining Group Life Insurance; providing that no policy of Group Life Insurance shall be issued or delivered unless and until a copy of the form thereof has been filed with the Life Insurance Commissioner and formally approved by him, stipulating the provisions which must be contained in such policy; providing the manner of paying the proceeds of any such insurance; providing the method of computing the reserves on such policies; prohibiting the issuance of any contract of Life Insurance covering a group except as provided by the provisions of the Act; and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following (committee) amendments to the bill:

**(1)**

Amend H. B. No. 1061 by adding a new Section between Section 1 and Section 2, as follows:

"Sec. 2. Article 4764-a, Subsection 4, is hereby amended by inserting at the end of Subsection 4 the following words:

"The provisions of this Subsection shall not apply to insurance described in Section 1, Item 3 of this Article."

**(2)**

Amend the caption to conform.

The amendments were adopted severally.

The bill was passed to third reading.

**House Bill 1061 on Third Reading**

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1061 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	York

Absent—Excused

Hill	Winfield
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	York
Martin	

Nays—1

Brownlee

Absent—Excused

Hill	Winfield
Spears	

**House Bill 1081 on Second Reading**

On motion of Senator Metcalfe, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 1081 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1081, A bill to be entitled "An Act to prohibit the use of a seine

or net for taking fish in Brown County except a minnow seine not more than twenty (20) feet in length when used for the purpose of taking minnows for bait; prohibiting the use of a seine or net for any purpose in the waters of Lake Brownwood; providing a penalty; repealing all laws in conflict; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1081 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1081 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	York

Absent—Excused

Hill	Winfield
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	York

Absent—Excused

Hill	Winfield
Spears	

#### Report of Conference Committee on House Bill 670

Senator Beck submitted the following report of the Conference Committee on H. B. No. 670:

Austin, Texas,

Hon. Coke R. Stevenson, President of the Senate;

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the Senate and the House on H. B. No. 670, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that said bill be adopted in the form attached hereto.

Respectfully submitted,

BECK,  
RAMSEY,  
WEINERT,  
MOORE,  
METCALFE,

On the part of the Senate;

THORNTON,  
REED of Bowie,  
HANNA,  
EUBANK,  
KENNEDY,

On the part of the House.

H. B. No. 670, A bill to be entitled "An Act to establish and maintain an Agricultural Experiment Station for the development of dairy, poultry and truck crops in the First Senatorial District of Texas, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station and empowering said Board of Directors to establish and maintain the same; to accept donations of land, water and money for establishing said station and for the operation of same; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That the Board of Directors of the Agricultural and Mechanical College of Texas are hereby authorized and empowered to establish and maintain a dairy experiment station in the First Senatorial District of Texas for the purpose of mak-



ing scientific investigations and experiments in the study of the grazing, feeding, pasturage, land maintenance; the study of economics in the production and utilization of feeds, and other problems of dairying applicable to northeast Texas.

Sec. 2. The Board of Directors of the Agricultural and Mechanical College of Texas are hereby authorized and empowered to secure a suitable site for the location of said dairy experiment station to be located in the First Senatorial District. Said Board of Directors are authorized to accept donations of land, water rights, and money for the establishment and maintenance of said station and to use any appropriations which are hereafter made for the erection of necessary buildings and for the equipment and maintenance of said station.

Sec. 3. The dairy experiment station herein provided for shall be under the direction and supervision of the Board of Directors of the Agricultural and Mechanical College of Texas, and shall be operated and conducted by the Directors of Experiment Station, as all other State Experiment Stations are now conducted.

Sec. 4. The fact that the production of milk and all other dairy products is the most feasible and practical method in bringing about the development of agriculture in northeast Texas, which is so necessary to the economic well-being in that region, and the further fact that the farmers of northeast Texas are not fully acquainted with the best accepted methods of carrying on dairying and meeting the problems with which they are confronted in feeding, pasturage, and land maintenance create an emergency and an imperative public necessity requiring the suspension of the constitutional rule which requires all bills to be read on three several days, and the rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Beck moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—28

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Chadick	Isbell
Cotten	Kelley
Fain	Lanning

Lemens	Shivers
Lovelady	Smith
Martin	Stone
Mauritz	Sulak
Metcalf	Van Zandt
Moffett	Vick
Moore	Weinert
Ramsey	York

Absent—Excused

Hill	Winfield
Spears	

#### Report of Conference Committee on House Bill 1084

Senator Shivers submitted the following report of the Conference Committee on H. B. No. 1084:

Austin, Texas,  
June 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives;

Hon. Coke R. Stevenson, President of the Senate.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on H. B. No. 1084, have met and beg leave to recommend that said H. B. No. 1084 be passed in the form hereto attached.

Respectfully submitted,

KINARD,  
BURNAMAN,  
HARGIS,  
COKER,  
LOCK,

On the part of the House;

SHIVERS,  
RAMSEY,  
MOORE,  
WEINERT,  
YORK,

On the part of the Senate.

H. B. No. 1084, A bill to be entitled "An Act to amend Chapter 63, Acts of 1933, Forty-third Legislature, First Called Session, page 169, as amended by Chapter 17, Acts of 1934, Forty-third Legislature, Fourth Called Session, page 47, so as to change Section 3 of said Chapter 63 so that the same may hereafter provide, in addition to its other provisions, that the Board of Directors of the Lower Neches Valley Authority shall consist of nine (9) instead of seven (7) members, all of whom shall be freehold property taxpayers and legal voters of the State of Texas, and providing that such nine (9) directors shall be appointed by the State Board

of Water Engineers, three (3) members thereof to be appointed for a term of two (2) years, three (3) members thereof to be appointed for a term of four (4) years, and three (3) members thereof to be appointed for a term of six (6) years; and to change Section 4 of said Chapter 63 so that the same may hereafter provide, in addition to its other provisions, that the Board of Directors shall organize by electing one of its members president, one vice-president, one treasurer, and one secretary, and providing that five (5) directors shall constitute a quorum at any meeting, and a concurrence of a majority of those present shall be sufficient in all matters pertaining to the business of the district except the letting of construction, contracts and the authorization of issuance of warrants paying therefor, which shall require the concurrence of seven (7) directors; and to change Section 16 of said Chapter 63 so that in addition to its other provisions, it will hereafter provide that for any corporate purpose said district may borrow money from the Federal Emergency Administration of Public Works of the United States or from any other department or agency of the United States, or from any other source, and in evidence thereof may issue the notes, warrants, certificates of indebtedness, bonds, or other forms of obligations of such district; and to change Section 23 of said Chapter 63 so that the same shall hereafter provide, in addition to its other provisions, that the Board of Directors may in its discretion have executed in favor of the holders of the district's obligations an indenture mortgaging and encumbering the improvements, facilities and properties acquired with the proceeds of the sale of such obligations, and/or all of the improvements, facilities, and properties of the district, and that such indenture may likewise mortgage and encumber the revenues to be derived from the operation of such improvements, facilities, and properties; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Section 3, of Chapter 63, Acts of 1933, Forty-third Legislature, First Called Session, page 169, as amended by Chapter 17, Acts of 1934, Forty-third Legislature, Fourth Called Session, page 47, be

and the same is hereby amended so as to hereafter read as follows:

"Section 3. The management and control of all the affairs of such district shall be vested in a Board of Directors, consisting of nine (9) members, all of whom shall be freehold property taxpayers and legal voters of the State of Texas. Such nine (9) directors shall be appointed by the State Board of Water Engineers as soon as practicable after the passage of this Act, three (3) members thereof to be appointed for a term of two (2) years, three (3) members thereof to be appointed for a term of four (4) years, and three (3) members thereof to be appointed for a term of six (6) years, and upon the expiration of the respective terms of said directors the successors of each and all of them shall be appointed thereafter for a term of six (6) years. The directors shall hold office after their appointment and qualification until their successors shall be appointed and qualify, unless sooner removed by majority vote of the State Board of Water Engineers. Should any vacancy occur in the Board of Directors, the same shall be filled in like manner by the State Board of Water Engineers for the unexpired term. The directors appointed shall within fifteen (15) days after their appointment qualify by taking the official oath and filing a good and sufficient bond with the State Board of Water Engineers; the official bond of each director to be in the sum of Five Thousand (\$5,000), Dollars, shall be payable to the district, shall be conditioned upon the faithful performance of their duties as such directors, and shall be subject to approval by the State Board of Water Engineers. A director may be employed as general manager and at such compensation as may be fixed by the majority of the other directors, and when so employed he shall continue to perform the duties of a director, but shall receive no compensation as such director."

Sec. 2. That Section 4 of said Chapter 63, Acts of 1933, Forty-third Legislature, First Called Session, page 169, amended by Chapter 17, Acts of 1934, Forty-third Legislature, Fourth Called Session, page 47, be and the same is hereby amended so as to hereafter read as follows:

"Sec. 4. The directors of the district shall organize by electing one of their members president, one vice-

president, one treasurer and one secretary. Five (5) directors shall constitute a quorum at any meeting and a concurrence of a majority of those present shall be sufficient in all matters pertaining to the business of the district, except the letting of construction contracts and the authorization of issuance of warrants paying therefor, which shall require the concurrence of seven (7) directors. Warrants for the payment of money may be drawn and signed by two (2) officers or employees designated by standing order entered on the minutes of the directors when such accounts have been contracted and ordered paid by the Board of Directors."

Sec. 3. That Section 16, of said Chapter 63, Acts of 1933, Forty-third Legislature, First Called Session, page 169, amended by Chapter 17, Acts of 1934, Forty-third Legislature, Fourth Called Session, page 47, be and the same is hereby amended so as to hereafter read as follows:

"Sec. 16. Said district may borrow money for any corporate purpose from the Federal Emergency Administration of Public Works of the United States, or from any other department or agency of the United States, or from any other source, and in evidence thereof may issue the notes, warrants, bonds, certificates of indebtedness, or other forms of obligations of such district, payable solely out of the revenues to be derived from said improvements and facilities and the operations and services thereof."

Sec. 4. That Section 23, of said Chapter 63, Acts of 1933, Forty-third Legislature, First Called Session, page 169, amended by Chapter 17, Acts of 1934, Forty-third Legislature, Fourth Called Session, page 47, be and the same is hereby amended so as to hereafter read as follows:

"Sec. 23. As additional security for the payment of any obligations issued hereunder, the Board of Directors may in its discretion have executed in favor of the holders of such obligations an indenture mortgaging and encumbering the improvements, facilities, and properties acquired with the proceeds of the sale of such obligations, and/or all of the improvements, facilities and properties of the district, which indenture may likewise mortgage and encumber the revenues to be derived from the operation of such improvements, facilities and properties, and may pro-

vide in such encumbrance for a grant to any purchaser or purchasers at foreclosure sale thereunder of a franchise to operate such improvements, facilities and properties for a term of not over fifty (50) years from the date of such purchase, subject to all law regulating same then in force. Any such indenture may contain such terms and provisions as the Board of Directors shall deem proper and shall be enforceable in the manner provided by the laws of Texas for the enforcement of other mortgages and encumbrances. Under any sale ordered pursuant to the provisions of such mortgage or encumbrance, the purchaser or purchasers at such sale, and his or their successors or assigns, shall be and hereby are vested with a permit and franchise to maintain and operate the improvements, facilities and properties purchased at such sale with like powers and privileges as may theretofore have been enjoyed by the district in the operation of said improvements, facilities and properties. The purchaser or purchasers of such improvements, facilities and properties at any such sale, and his or their successors and assigns, may operate said improvements, facilities and properties as provided in the last above sentence or may at their option remove all or part of said improvements, facilities and properties for diversion to other purposes. Any statutes of the State of Texas pertaining to the granting of franchise shall not be applicable to the authorization or execution of any mortgage or encumbrance entered into pursuant to the provisions of this Act, nor to the granting of any franchise hereunder."

Sec. 5. The importance of this legislation to the section of the State affected thereby creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days shall be, and the same is hereby suspended and this Act shall take effect and be in force from and after the passage thereof, and it is so enacted.

Senator Shivers moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—28

Aikin	Cotten
Beck	Fain
Brownlee	Formby
Chadick	Graves

Hazlewood	Moore
Isbell	Ramsey
Kelley	Shivers
Lanning	Smith
Lemens	Stone
Lovelady	Sulak
Martin	Van Zandt
Mauritz	Vick
Metcalf	Weinert
Moffett	York

Absent—Excused

Hill	Winfield
Spears	

#### Message from the House

The Chief Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
June 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

S. B. No. 93, A bill to be entitled "An Act amending Section 1 of S. B. No. 135, Acts 1939, Forty-sixth Legislature, Chapter 6, so as to except therefrom associations not operated for profit, composed only of the members of a particular religious denomination which do not provide insurance benefits in excess of One Thousand (\$1,000.00) Dollars on any one person and do not pay any officer of the association a salary in excess of One Hundred (\$100.00) Dollars per month."

H. C. R. No. 262, Providing for a recess of the Legislature from June 21, to July 15, and for sine die adjournment on July 18, 1941 at 12:00 noon.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Concurrent Resolution 242

The President laid before the Senate and had read (the resolution having been received from the House on June 17, 1941):

H. C. R. No. 242, Relative to furnishing laborers for South Texas during cotton season.

The resolution was read.

Senator Sulak offered the following amendment to the resolution:

Amend H. C. R. No. 242 by adding to the end of the last sentence, a comma instead of a period, and thereafter these words: "who are citizens of the United States."

The amendment was adopted.

#### Record of Vote

Senator Kelley asked to be recorded as voting "nay" on the amendment.

The resolution as amended then was adopted.

#### Concurrence in House Amendments to Senate Bill 379

Senator Van Zandt called S. B. No. 379 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments.

#### Senate Resolution 174

Senator Beck, by unanimous consent, offered at this time the following resolution:

Whereas, The Honorable Randolph Bryant, United States District Judge of the Eastern District of Texas, is a guest in the city and a visitor in the Capitol; and

Whereas, Judge Bryant is a distinguished and able jurist, and an ardent exponent of the doctrine of States Rights; therefore, be it

Resolved by the Senate, That the privileges of the floor be extended this esteemed citizen of Texas, and that he be invited to address the Senate.

BECK,  
VAN ZANDT,  
SHIVERS.

The resolution was read, and by unanimous consent, it was considered and adopted at this time.

#### Report of Conference Committee on Senate Bill 471

Senator Lanning moved to adopt the report of the Conference Committee on S. B. No. 471, making appropriations to pay miscellaneous claims, the report having been previously submitted and printed in the Journal.

Senator Chadick moved that the report be rejected and that a new Conference Committee be requested to adjust the differences between the two Houses on the bill.

Question first recurring on the motion of Senator Chadick, yeas and nays were demanded.

The motion was lost by the following vote.

Yeas—4

Chadick	Smith
Moffett	Sulak

Nays—21

Aikin	Lemens
Beck	Lovelady
Brownlee	Martin
Cotten	Mauritz
Fain	Metcalf
Formby	Ramsey
Graves	Stone
Hazlewood	Vick
Isbell	Weinert
Kelley	York
Lanning	

Present—Not Voting

Van Zandt

Absent

Moore	Shivers
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Absent—Excused

Hill	Winfield
Spears	

Question next recurring on the motion of Senator Lanning to adopt the report, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—11

Aikin	Lanning
Brownlee	Lemens
Fain	Martin
Formby	Stone
Graves	York
Isbell	

Nays—15

Chadick	Moore
Cotten	Shivers
Hazlewood	Smith
Kelley	Sulak
Lovelady	Van Zandt
Mauritz	Vick
Metcalf	Weinert
Moffett	

Absent

Beck	Ramsey
------	--------

Absent—Excused

Hill	Winfield
Spears	

# Report of Conference Committee on Senate Concurrent Resolution 66

Senator Moffett submitted the following report:

Austin, Texas,  
June 18, 1941.

Hon. Coke R. Stevenson, President of  
The Senate.

Hon. Homer Leonard, Speaker of the  
House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the two Houses on S. C. R. No. 66, have met and beg leave to recommend that said S. C. R. No. 66 be passed in the form hereto attached.

Respectfully submitted,

MOFFETT,  
LEMENS,  
LANNING,  
AIKIN,  
ISELL,

On the part of the Senate;

STINSON,  
CARRINGTON,  
HUGHES,  
SKILES,

On the part of the House.

S. C. R. No. 66, Relating to a well considered plan for expansion of office facilities for the State government.

Whereas, When the present Capitol building was erected, the population of the State was barely one-fourth of its present population; and

Whereas, There is reasonable expectation of continued growth in the population of Texas; and

Whereas, In recent years and since the erection of the present Capitol building, the State government has been required by public opinion, and by the adoption of constitutional amendments, to engage in many new functions and activities, that were not contemplated when the present Capitol building was erected, such as Unemployment Compensation, Social Security, expanded agricultural, military, educational, health, and highway facilities, regulation of utilities, the transportation industry, the petroleum industry, and various other well organized and essential governmental functions; and

Whereas, These recent additional activities of the State government have separately and collectively brought about a very greatly expanded need for well arranged office space and office buildings in which to house the various State offices and departments; and

Whereas, Said expansion will probably continue, in keeping with the increase in the State's population, and the increase in the demands of the public for additional services from the Government; and

Whereas, At the present time, a considerable portion of the State's employees and valuable records are being taken care of in widely separated offices in various parts of the Capitol City, thus tending to lower the efficiency of the State government, and, at the same time, considerably adding to the inconvenience of the people who have occasion to deal with the various departments; and

Whereas, It has thus developed that it may become necessary to acquire additional grounds near the present Capitol Building, upon which to construct suitable fireproof office buildings, and provide appropriate space for parking, and other means of ingress and egress to said buildings, and to the State Capitol; and

Whereas, The same should be accomplished and brought about through a well considered plan, whereby the maximum efficiency in the State Departments may be maintained at the least expense; and

Whereas, The beauty and culture of its Capitol City has been the greatest pride and glory of every Nation from the days of ancient Greece to the present time; and

Whereas, The present generation could bequeath to posterity no more valuable gift than a carefully devised plan for the future beautification and development of this Capitol City; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That in order to accomplish the above mentioned desired purposes that the Lieutenant Governor shall appoint from the Membership of the Senate three disinterested, competent Members of the Senate, and the Speaker of the House shall appoint three disinterested, competent Members of the House of Representatives, said Members collectively to be known

as the Capitol Planning Commission; and that said commission be and is hereby instructed and authorized to make a complete survey of the needs of the State with special reference to the location of public buildings that may be erected in the future, including parks, drives, and boulevards to properly harmonize with the general plan of development, and so as to conform to and continue as nearly as possible to the present development of the Capitol buildings and grounds, and the University buildings and campus; and in order that future generations may have suitable basic plans for the building and development of a Capitol City worthy of the great State of Texas; and, be it further

Resolved, That said commission be authorized to ask for the cooperation and assistance of the City Planning Commission of Austin, any Statewide technical organizations or any departments of State, or State institutions, to the end that these plans will be drafted with the least possible expense; that said commission is hereby instructed to make a complete survey of the needs of the State, and of the availability of property which may become useful to the State; and that said commission be further instructed to make a report to a Special Session of the Forty-seventh Legislature, if there be one, or if there is none, to the Regular Session of the Forty-eighth Legislature, with suitable recommendations.

#### Recess

Senator Mauritz moved that the Senate recess until 10:00 o'clock a. m., tomorrow.

Senator Brownlee moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

#### Yeas—13

Brownlee	Moore
Chadick	Ramsey
Fain	Shivers
Hazlewood	Smith
Isbell	Van Zandt
Lovelady	Vick
Martin	

#### Nays—14

Aikin	Formby
Cotten	Graves



Kelley	Moffett
Lanning	Stone
Lemens	Sulak
Mauritz	Weinert
Metcalf	York

Absent

Beck

Absent—Excused

Hill  
Spears

Winfield

Question then recurring on the motion to recess, yeas and nays were demanded.

The motion to recess prevailed by the following vote:

Yeas—21

Aikin  
BeckChadick  
Cotten

Formby	Moffett
Graves	Moore
Hazlewood	Ramsey
Isbell	Shivers
Kelley	Smith
Lemens	Van Zandt
Martin	Weinert
Mauritz	York
Metcalf	

Nays—7

Brownlee	Stone
Fain	Sulak
Lanning	Vick
Lovelady	

Absent—Excused

Hill  
Spears

Winfield

The Senate, accordingly, at 4:45 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

**In Memory of**  
**Miss Emma Burleson**

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Senator Brownlee offered the following resolution:

(Senate Resolution 173)

Whereas, On Monday, June 16, a distinguished and useful life came to an end in the death of Miss Emma Kyle Burleson; and

Whereas, Miss Burleson was one of the best known and best loved women of Texas; and

Whereas, She was a member of a distinguished and prominent family of loyal Texans, having been the granddaughter of the late General Edward Burleson, the daughter of the late Major Edward Burleson, and the sister of the late Albert Sidney Burleson, who was Postmaster General in the cabinet of President Woodrow Wilson; and

Whereas, She served well and faithfully as an active member of the Daughters of the Republic of Texas and was chairman of that organization's legislative committee at the time of her death; and

Whereas, The passing of this capable, esteemed lady has brought sorrow and a distinct loss to the people of Texas, and to her relatives and to her many friends to whom she gave so generously of her time and service; now, therefore, be it

Resolved, That the Senate extend to the members of her family our sincere sympathy at her passing, and that a copy of this resolution be spread on the Senate Journal in memory of Miss Burleson, and that the Secretary of the Senate be instructed to send a copy of this resolution to the members of her family.

BROWNLEE,  
METCALFE.

The resolution was read and was adopted unanimously.

## SEVENTY-NINTH DAY

Continued

(Friday, June 20, 1941)

The President called the Senate to order at 10:00 o'clock a. m.

## Leaves of Absence Granted

Senator Hazlewood was granted leave of absence for today on account of important business, on motion of Senator Formby.

Senator Graves was granted leave of absence for today on account of important business, on motion of Senator Mauritz.

Senator Winfield was granted leave of absence for today on account of important business, on motion of Senator Martin.

## Message from the House

The Chief Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
June 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

S. B. No. 336, A bill to be entitled "An Act to provide that the Texas Prison Board shall maintain schools in all of the penitentiaries and penitentiary farms of the State of Texas, providing for compulsory attendance of illiterates, a program of academic and vocational education, and hours of attendance; providing that the State Superintendent of Public Instruction shall supply text books; and declaring an emergency."

H. C. R. No. 261, Instructing the Enrolling Clerk to make certain corrections in H. B. No. 161.

The House has adopted the Conference Committee report on H. B. No. 1084 by a vote of 105 ayes, 0 noes.

The House has adopted the Conference Committee report on H. B. No. 670 by a vote of 91 ayes, 21 noes.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

## Senate Resolution 176

Senator Cotten, by unanimous consent, offered at this time the following resolution:

Whereas, There appeared on the front page of the Dallas News on June 6, a news story stating in substance that a committee appointed by the Speaker of the House under authority given him by the House of Representatives of the Forty-seventh Legislature, suggesting to the Chairman of the Board of Control as follows:

"That the superintendent of the following named institutions, to-wit: Gainesville State School for Girls; State Orphans Home of Corsicana; Gatesville State School for Boys; Austin State School; State Farm Colony; Rusk State Hospital; San Antonio State Hospital; State Hospital, Austin; State Hospital, Big Springs; State Hospital of Abilene, be replaced, and those designated be notified by July 31st, 1941, so that each superintendent dismissed or those employed will have a full month in which to leave or take over the place which they are assigned. The Chairman is further instructed to recommend that the Board of Control use their own judgment as to the superintendent of Wichita Falls, Terrell and Waco, and the superintendents who are employed for the next biennium be given instructions to not employ any person who use intoxicants to excess, and to further take into consideration the distribution of those employed statewide and not from any one town, locality or county. The motion prevailed by a viva voce vote."

and  
Whereas, The committee in a letter to Chairman Harry Knox further offered its services as follows:

"The committee discussed at length, the question of the plants at Wichita Falls, Terrell and Waco, but the matter of decision as to changes at those points was left in the discretion of the Board, but instructed me to say to the Board, that if the Board found it necessary to make any change at either of those points to do so, and the committee would subscribe to the Board's action in the matter, and if the present superintendents were left at those points, to be very sure that their service is, and will remain, satisfactory to the Board.

"The committee suggests that the Board give wise consideration to each

and every new appointment to these very important positions, and that such new superintendents be properly instructed as to their duties and requirements, both by the Board and as set out in the Statutes.

"It will be the purpose of this committee to investigate each and every one of these institutions in the near future, and we will try to make the round before September 1st, and will furnish you with such information as we get, and that you should have, pertaining to each institution.

"The committee wants to help you in every way possible and we only hope that the new appointments will be men and women that will be of better service to the State of Texas than we have had in the past.

"We thank the Board for their kind cooperation, and at any time this committee can be of any service, call on us."

and  
Whereas, The published records available do not show that this committee ever brought before it for hearing or made any provisions to hear the said superintendents prior to making its recommendations to the Board of Control; and

Whereas, The institutions named in this letter are located in the districts of members of this body, and vitally affect the constituents of such Senators; and

Whereas, The welfare of the inmates and patrons of such institutions are vitally affected and the public interest is involved in the choice of superintendents for these institutions; therefore, be it

Resolved, That the Senate of the Forty-seventh Legislature authorize the President of the Senate to appoint a committee of five (5) members to cooperate with the Board of Control in making whatever investigations are deemed necessary with regard to the reappointment of the superintendents of the above named institutions or any other institutions which the Board of Control may have before it for consideration of reappointment of their superintendents; and, be it further

Resolved, That a copy of this resolution when passed by the Senate be sent to the Chairman of the Board of Control and to the Speaker of the House of Representatives.

COTTEN,  
FORMBY.

The resolution was read, and on motion of Senator Cotten, and by unanimous consent, was considered at this time.

The resolution was adopted.

#### Record of Vote

Senator Lovelady asked to be recorded as voting "nay" on the resolution.

#### Senate Concurrent Resolution 82

Senator Brownlee, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 82, Relating to securing funds for laboratory building for health defense needs.

Whereas, The State Department of Health has been called upon to examine specimens from selectees, examine water and sewage samples for Federal Reservations, provide Orthotolidine water testing sets, supply testing materials to local laboratories cooperating with draft boards; and

Whereas, The State Department of Health has been requested by camp surgeons, post quartermasters, draft boards, industrial plant managements, defense commission, war and navy departments, to supply records, statistics, opinions, data, survey reports and communicable disease reports; and

Whereas, Additional laboratory and office space is necessary to efficiently meet all of these defense demands; and

Whereas, H. R. 4545 of the National Congress, known as the "Utilities Bill" makes an appropriation for various health and sanitary needs such as hospitals, health clinics, water, sewage, school and highway improvements; now, therefore, be it

Resolved by the Senate, the House concurring, That the State Health Officer be directed to make application to the Federal Works Agency for funds with which to provide a building in order that the laboratory, clinical and health defense needs may be efficiently met.

The resolution was read, and on motion of Senator Brownlee and by unanimous consent, it was considered immediately.

The resolution was adopted.

**House Concurrent Resolution 231**

The President laid before the Senate and had read (the resolution having been received from the House on June 12, 1941):

H. C. R. No. 231, To provide that S. B. No. 221, heretofore enacted, shall take effect immediately.

By unanimous consent, the resolution was considered at this time.

The resolution was adopted by the following vote:

**Yeas—26**

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	York

**Absent—Excused**

Graves	Spears
Hazlewood	Winfield
Hill	

**House Concurrent Resolution 261**

The President laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 261, Authorizing correction in enrolled copy of H. B. No. 161.

On motion of Senator Moffett, and by unanimous consent, the resolution was considered and adopted at this time.

**House Concurrent Resolution 259**

The President laid before the Senate and had read (the resolution having been received from the House June 19, 1941):

H. C. R. No. 259, Authorizing correction in enrolled copy of H. B. No. 1038.

By unanimous consent, the resolution was considered and adopted at this time.

**House Concurrent Resolution 262**

Senator Aikin called for the consideration of H. C. R. No. 262 at this time.

The President laid before the Senate and had read (the resolution having been received from the House on Thursday, June 19, 1941):

H. C. R. No. 262, Providing for a recess of the Legislature from June 21, to July 15, and for sine die adjournment on July 18, 1941 at 12:00 noon.

Senator Moore moved to table the resolution.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

**Yeas—12**

Beck	Mauritz
Brownlee	Moore
Chadick	Ramsey
Fain	Shivers
Lovelady	Stone
Martin	Weinert

**Nays—11**

Aikin	Moffett
Cotten	Sulak
Formby	Van Zandt
Isbell	Vick
Lanning	York
Lemens	

**Absent—Excused**

Hill	Spears
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**Paired**

Senator Kelley (present), who would vote "nay" with Senator Graves (absent), who would vote "yea."

Senator Metcalfe (present), who would vote "yea" with Senator Hazlewood (absent), who would vote "nay."

Senator Smith (present), who would vote "nay," with Senator Winfield (absent), who would vote "yea."

**Concurrence in House Amendments to Senate Bill 336**

Senator Fain called S. B. No. 336 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

On motion of Senator Fain, the Senate concurred in the House amendments.

## Message from the House

A messenger from the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
June 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 72, Granting permission to A. T. Mast, et al., to sue the State.

S. C. R. No. 71, Granting permission to A. T. Mast, to sue the State.

H. C. R. No. 266, Inviting the Honorable Sam Rayburn to address a joint session.

The House has concurred in Senate amendments to H. B. No. 312 by a vote of 101 yeas, 1 nay.

The House has adopted the Conference Committee report on S. C. R. No. 66 by a viva voce vote.

The House refused to concur in Senate amendments to H. B. No. 166 and has requested the appointment of a Conference Committee to consider the differences between the two Houses and appoints: Messrs. Bullock, Jones, Kinard, Lock, and Carlton.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### House Bill 268 on Passage to Third Reading

Senator Stone moved that the regular order of business be suspended to take up H. B. No. 268 on its passage to third reading.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Martin	York
Mauritz	

Nays—1

Lovelady

## Absent—Excused

Graves	Spears
Hazlewood	Winfield
Hill	

The President laid before the Senate on its passage to third reading (the bill having been read second time on June 18, 1941):

H. B. No. 268, A bill to be entitled "An Act to provide for the establishment of a State Cancer Hospital for the treatment and cancer and allied diseases and shall be known as the Clyde F. Lingo Memorial Hospital for Cancer; and providing herein the Governor of the State of Texas shall appoint a Cancer Commission of three (3) citizens of the State and their appointments shall be four (4) years; and providing herein for the appointment of an administrator and a staff to conduct said Cancer Hospital; and their appointments shall be for four (4) years; and providing herein for the appointment of an advisory board of nine (9) citizens consisting of one attorney, one civil engineer, one ordained minister, one business manager and five (5) physicians; the Cancer Commission will have power to make rules for conducting the hospital not contrary to the laws of the State of Texas; providing herein for the method of treatment of patients in said hospital and fixing the duties of the county courts with respect to the admission and payment for said patients, including examination by the Counties of the State and for payment of the burial of patient and fixing the compensation of officers, physicians, surgeons, nurses and other employees, and providing herein expenses for persons who accompany patient to and from their place of residence and providing for form of research of patients and for persons trained in the work of following up cases of cancer and precancer; providing for the employment by the Administrator of said Cancer Hospital any nurse attendant necessary for the conducting thereof, and providing herein for a committee to be appointed by the Governor, and providing herein for the establishment of a laundry building and equipment for the hospital, appropriated out of the State Treasury, charged to the General Revenue Fund as the General Assembly shall deem necessary to maintain the State Cancer Hospital."

With the following amendment by Senator Sulak pending:



Amend H. B. No. 268 by striking out all of Section 11 and inserting in lieu thereof the following:

"Sec. 11. There is hereby appropriated from the General Revenue Fund of the State of Texas, from funds not otherwise appropriated, the sum of One Hundred Thousand (\$100,000.00) Dollars for the location, erection, and equipping of the Texas State Cancer Hospital; together with the further sum of One Hundred Thousand (\$100,00.00) Dollars for the location, erection and equipping of the Division of Cancer Research; and together with the sum of Fifty Thousand (\$50,000.00) Dollars for the biennium commencing September 1, 1941, for the operation and maintenance of said institutions."

Question—Shall the amendment be adopted?

Senator Martin offered the following substitute for the amendment:

Amend H. B. No. 268 by striking out all of Section 11 and inserting in lieu thereof the following:

"Sec. 11. There is hereby appropriated from the General Revenue Fund of the State of Texas, from funds not otherwise appropriated, the sum of Five Hundred Thousand (\$500,000.00) Dollars, for the location, equipping and for the establishing of a cancer research laboratory and hospital; and provided further that not more than Two Hundred Fifty Thousand (\$250,000.00) Dollars of said amount shall be used for building and equipment and the remainder of said amount here appropriated shall be used for the hiring of experts, for conducting research, study, experiments, treatment of persons, affected by the disease of cancer and maintenance of hospital and equipment for the biennium beginning September 1, 1941."

MARTIN,  
ISELL.

Question first recurring on the substitute, yeas and nays were demanded.

The substitute was adopted by the following vote:

Yeas—15

Brownlee	Mauritz
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Isbell	Stone
Kelley	Weinert
Lanning	York
Martin	

Nays—8

Aikin	Lovelady
Beck	Moffett
Chadick	Smith
Lemens	Sulak

Absent

Metcalf	Vick
Van Zandt	

Absent—Excused

Graves	Spears
Hazlewood	Winfield
Hill	

The amendment as substituted was adopted.

Record of Vote

Senators Stone and Lovelady asked to be recorded as voting "nay" on the amendment as substituted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 268 by striking out Section 2 and inserting in lieu thereof the following:

"The Board of Regents of the University of Texas shall select and employ a superintendent. Said superintendent, who shall be a physician possessing a M.D. Degree, and who shall have had at least five (5) years experience practicing medicine in Texas, shall have charge of the operation and conduct of said institution and such other powers, duties, and obligations as may be conferred upon him by said Board of Regents."

Senator Moore offered the following amendment to the amendment:

Amend the amendment by striking out the words: "in Texas."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 268 by striking out Section 3 and inserting in lieu thereof the following:

"The medical staff of said institution shall be selected and employed by the Board of Regents on the recommendation of the superintendent, and may be discharged in like manner."

The amendment was adopted.

Senator Stone offered the following amendment to the bill:

Amend H. B. No. 268 by striking out all of Section 6 thereof and by

inserting in lieu thereof the following:

"Sec. 6. The provisions of H. B. No. 326, Chapter 152, Acts of the Regular Session of the Forty-fifth Legislature, insofar as the same are not in conflict with other provisions set out herein, shall govern and control with reference to the admittance of patients to such institutions and such substations, their support, and other matters relating thereto."

The amendment was adopted.

The bill (as amended) was then passed to third reading.

#### House Bill 268 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 268 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Martin	York
Mauritz	

Nays—1

Lovelady

Absent—Excused

Graves	Spears
Hazlewood	Winfield
Hill	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Vote

Senator Lovelady asked to be recorded as voting "nay" on the passage of the bill.

#### Request to Take up House Bill 611

Senator Vick asked unanimous consent of the Senate that the regular order of business be suspended to take

up H. B. No. 611 on its second reading and passage to third reading.

The President announced there was objection to the request.

#### Report of Conference Committee on House Bill 1082

Senator Metcalfe submitted the following report:

Hon. Coke R. Stevenson, President of the Senate;

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on H. B. No. 1082, have met and beg leave to recommend that said H. B. No. 1082 be passed in the form attached hereto.

Respectfully submitted,

METCALFE,  
SMITH,  
MOFFETT,

On the part of the Senate;

HARDEMAN,  
BEAN,  
CELAYA,  
ISAACKS,

On the part of the House.

H. B. No. 1082, A bill to be entitled "An Act to amend H. B. No. 146, Acts of the Forty-seventh Legislature of Texas, authorizing the commissioners' court in all counties in the State of Texas to appropriate from the General Fund not more than five (5c) cents on the One Hundred (\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of the counties; and providing for an election authorizing such appropriation and creating and providing for the appointment of a Board of Development devoted to the growth, advertisement, and development of such counties; providing said appropriation to constitute a separate fund to be known as the Board of Development Fund; limiting the amount to be appropriated; prescribing certain duties for said Board; making the Act cumulative of other laws authorizing such counties to appropriate such money; validating sums appropriated or expended for such purposes under previous Acts; restricting the authority to levy the tax provided for herein to counties of more than one hundred thousand (100,000) population, according to the most recent United States

Census; providing a saving clause; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That H. B. No. 146, Acts of the Forty-seventh Legislature of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

"Section 1. That all counties in the State of Texas may appropriate from the general fund of said counties an amount not exceeding five (5c) cents on the One Hundred (\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such county; providing that before the commissioners' court of any county may appropriate any sums for such purpose, the qualified taxpaying voters of said county shall, by a majority vote of the persons voting at such election, authorize the county commissioners to thereafter appropriate not to exceed five (5c) cents on the One Hundred (\$100.00) Dollars assessed valuation.

"Sec. 2. The amount of money approved by the commissioners' court for the Board of Development shall constitute a separate fund to be known as the Board of Development Fund and shall not be used for any other purpose. Each claim against the Board of Development shall be authorized and approved by the Board of Development before presented for payment, and after such approval, shall be presented to the commissioners' court and acted upon as all other claims against the commissioners' court.

"The Board of Development hereinafter provided for shall annually, in advance, prepare and submit to the commissioners' court a budget for the ensuing year in the same manner as required by counties. The money appropriated annually shall be governed by the discretion of the commissioners' court, but in no event shall said sum be in excess of five (5c) cents on the One Hundred (\$100.00) Dollars assessed valuation.

"Sec. 3. There is hereby created, in counties qualifying under this law, a Board of Development, which shall devote its time and effort for the purpose of advertising and promoting the growth and development of any such county. The Board of Development shall be authorized to expend any sums reasonably necessary to ac-

complish its purposes for personnel, rent, and materials, subject to the approval of the commissioners' court.

"The Board of Development shall consist of five (5) members, to be appointed by the commissioners' court; said members shall serve for a period of two (2) years from their appointment, without compensation, and until their successors are appointed.

"Sec. 4. This law shall be cumulative of all other laws authorizing counties to appropriate money, or to levy a tax for advertising and promotional purposes, and counties shall have the option of operating under any one applicable law, but in any event, the maximum amount of money which can be appropriated for such purpose shall not exceed the limits herein fixed.

"Sec. 5. Any sums heretofore appropriated or expended for advertising or promotional purposes under any such previous Acts are hereby validated."

Sec. 2. The authority to levy the tax provided for herein shall be restricted to counties of more than one hundred thousand (100,000) population, according to the most recent United States Census.

Sec. 3. If any Section, clause, paragraph, or sentence of this Act shall be declared unconstitutional, it is hereby declared to be the intention of the Legislature that the remainder of such Act shall remain in full force and effect.

Sec. 4. The crowded condition of the calendar creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring all bills to be read on three several days in each House, and said rule is hereby suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

The report was adopted by the following vote:

Yeas—24

Beck	Martin
Brownlee	Mauritz
Cotten	Metcalfe
Fain	Moffett
Formby	Moore
Isbell	Ramsey
Kelley	Shivers
Lanning	Smith
Lemens	Stone
Lovelady	Sulak

Van Zandt  
Vick

Weinert  
York

Nays—2

Aikin

Chadick

Absent—Excused

Graves  
Hazlewood  
Hill

Spears  
Winfield

### Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 64, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special Law or by county boards of trustees; providing this Act shall not validate the organization or creation of any district, or consolidation or annexation of any district in or to such district where the same is now involved in litigation or where suit or litigation is filed with reference thereto within forty-five (45) days after the effective date of this Act; validating the acts of said county boards of trustees and boards of trustees of such districts; validating bond assumption elections and all bonds voted, authorized and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess and collect the same rate heretofore authorized or attempted to be authorized by any act or acts of said districts or by any Act of the Legislature; making certain exemptions; and declaring an emergency."

H. B. No. 199, A bill to be entitled "An Act to repeal Section 20 of Chapter 76 of Acts of 1931, Forty-fourth Legislature, Regular Session, as amended by Section 1, Chapter 15 of Acts 1937, Forty-fifth Legislature, Regular Session, as amended by Sec-

tion 1 of H. B. No. 831, page 500, of Acts 1939, Forty-sixth Legislature, Regular Session; and declaring an emergency."

H. B. No. 222, A bill to be entitled "An Act to amend Article 2978, Revised Civil Statutes, 1925, by adding thereto a new Article to be known as Article 2978a prescribing additional requirements for the official ballot in general elections; providing that certain persons shall not be permitted to have their names on the official ballot."

H. B. No. 537, A bill to be entitled "An Act amending Article 779 of the Revised Statutes; providing for the investment of county and road district sinking funds; and declaring an emergency."

H. B. No. 627, A bill to be entitled "An Act to amend Section 12 of H. B. No. 821, Chapter 462, page 1144, Regular Session of the Forty-fifth Legislature, as amended by H. B. No. 102, Chapter 41, page 1924, Second Called Session of the Forty-fifth Legislature, as amended by H. B. No. 834, Chapter 1, page 427, Regular Session of the Forty-sixth Legislature, and to add thereto seven new Sections to be known as Section 23a, 23b, 23c, 23d, 23e, 23f, and 23g; to authorize housing authorities to acquire by the exercise of the power of eminent domain any interest in real property; to create housing authorities for counties; to provide for the creation of regional housing authorities; to authorize the undertaking of housing projects for farmers of low income; and declaring an emergency."

H. B. No. 741, A bill to be entitled "An Act defining the word person and providing that every director, officer, agent, employee or member of any firm, copartnership, association or corporation, participating in, aiding or authorizing any violation of this Act shall be subject to the punishment provided herein; making it unlawful for any person, with exceptions, to open and refill or reuse the container, can, tank, pump, or other distributing device of any manufacturer, processor or distributor, for the purpose of offering for sale or selling lubricating oils, greases and similar products therefrom when said container, can, tank, pump or distributing device bears the trade-mark, symbol, sign or other distinguishing mark of said manufacturer, processor or distributor, or of his products; providing

that the possession of any refilled container, can, tank, pump or distributing device shall be prima facie evidence of possession thereof for the purpose of sale; making it unlawful to imitate the design, symbol, or trade name of recognized brands of lubricating oils, greases or similar products or to expose for sale or sell and such products under any trade-mark, trade name or other distinguishing mark, other than those of the manufacturer, processor or distributor of such products; providing for the enforcement of the provisions herein; prescribing penalties; and declaring an emergency."

H. B. No. 898, A bill to be entitled "An Act amending Article 122 of the Penal Code of the Revised Statutes of 1925; and declaring an emergency."

H. B. No. 942, A bill to be entitled "An Act amending Section 6, Chapter 2, Acts of Forty-second Legislature, Fourth Called Session, as amended by Section 9, Chapter 76, Acts of the Forty-fourth Legislature, Regular Session, and providing that the Railroad Commission shall limit production of crude petroleum oil in this State to the reasonable market demand therefor, providing that the allowable production of oil shall be allocated among the pools in the State by the Railroad Commission; providing that the Railroad Commission shall ascertain the reasonable market demand; providing that certain factors shall be considered by the Railroad Commission in determining reasonable market demand; providing that certain factors shall be considered by the Railroad Commission in allocating and apportioning the allowable production of oil among the pools in this State; and declaring an emergency."

H. B. No. 956, A bill to be entitled "An Act amending Chapter 7, Title 93 of the Revised Civil Statutes of Texas, as amended, by adding a new Article to be numbered Article 5708a, providing for the appointment of county sealers and deputy county sealers of weights and measures at the discretion of the commissioners' court, in any county having a population of not less than 69,000 and not more than 70,000 according to the last or any succeeding United States census; providing that the salaries for such county sealers and deputy sealers shall be set by the commissioners' court and not to be less than \$1,500 a year; providing that no fee shall be charged by such sealers or by the county, defining

the authority, duties and responsibilities of such county sealers and deputies; providing that two or more counties, or a county and a city situated therein, may combine the whole or any part of their district, for the purpose of appointing one sealer upon the written consent of the Commissioner of Agriculture; and declaring an emergency."

H. B. No. 971, A bill to be entitled "An Act authorizing cities and towns eligible under the terms of this Act to fund certain indebtedness outstanding on the effective date of this Act; prescribing the method and procedure for issuance of funding or refunding bonds, and which cities or town cannot derive revenues for general fund operating expenses from any publicly owned utilities at this time; validating such outstanding indebtedness not in litigation at the time this Act becomes effective; providing that this Act shall not increase the debt burden of any such city or town; providing that this Act shall be cumulative of all other Acts, but that its provisions shall prevail in the event of conflict with other laws; enacting provisions incident to and relating to the subject; and declaring an emergency."

H. B. No. 974, A bill to be entitled "An Act to amend Section 18, Chapter 41, Acts of the Fortieth Legislature, First Called Session, as amended by Section 2 of H. B. No. 614, Acts of the Regular Session of the Forty-sixth Legislature, to provide that any citizen of Texas wishing to file the record of any birth, not previously registered, may submit such record to the probate court in the county where such person resides rather than where the birth occurred, as now required; and declaring an emergency."

H. B. No. 980, A bill to be entitled "An Act to amend Article 880 of the Penal Code of the State of Texas, as amended by Chapter 47, Acts of the Second Called Session of the Forty-fifth Legislature; and declaring an emergency."

H. B. No. 1036, A bill to be entitled "An Act validating all consolidated rural high school districts having a scholastic population of not less than 250 and not more than 700 according to the last preceding scholastic enumeration, and located in counties having a population of not less than thirty-one thousand one hundred and twenty (31,120) and not more than thirty-one thousand one hundred and thirty

(31,130) inhabitants according to the last preceding Federal census, created by an act of the county board of trustees out of a district or districts which had heretofore been a consolidated school district or districts; validating all elections, the levying of taxes, bond issues and taxes levied therefor and all bonds voted but not issued; providing that this Act shall not apply to any district now involved in tax litigation; and declaring an emergency."

H. B. No. 1043, A bill to be entitled "An Act granting to the City of Port Arthur, Texas, all right, title and interest of the State of Texas to certain land within said city, and lying adjacent to the Sabine-Neches Canal, and lying between said canal and Sabine Lake, and commonly known as the Canal Spoil Bank, and granting the said City of Port Arthur right, power and authority to locate, construct, own, lease, sell and maintain upon such land facilities for air ports and other improvements, and granting the said city the right and authority to lease or sell such land and to issue franchises to others covering privileges accorded to the City of Port Arthur, and reserving all mineral rights to the State; and declaring an emergency."

H. B. No. 1046, A bill to be entitled "An Act to amend Section 1 of H. B. No. 808 of the Regular Session of the Forty-second Legislature, Chapter 69, Special Laws, page 157, as amended by H. B. No. 327 of the Regular Session of the Forty-third Legislature, Chapter 34, Special Laws, page 42, providing for the taking of catfish, perch, buffalo and drum in the waters of Delta, Hopkins, and Franklin Counties, by hand or with a seine or net having meshes one (1) inch square; and declaring an emergency."

H. B. No. 1060, A bill to be entitled "An Act creating Road District No. 6 of Tyler County, Texas, under authority of Article 3, Section 52, of the Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof; making it a body corporate and taxing district; describing said district by metes and bounds; reciting that it comprises a portion of the territory or road district No. 2 of said county which has outstanding road bonds, and declaring that it is not intended by the creation of road

district No. 6 to interfere in any manner with the functioning of said road district No. 2; providing that such road district shall have authority to issue bonds for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof and levy ad valorem taxes in payment thereof, as contemplated by Article 3, Section 52 of the Constitution of Texas, when authorized by two-thirds majority vote of the duly qualified resident property tax-paying voters of said district; providing that such road district shall be governed in the matter of issuing bonds and levying ad valorem taxes in payment thereof as provided by the General Laws of Texas, and particularly Chapter 16 of the General Laws enacted by the Thirty-ninth Legislature at its First Called Session, in 1926, and amendments thereto; and declaring an emergency."

H. B. No. 1079, A bill to be entitled "An Act providing that the commissioners' courts in all counties having a population of not less than one hundred thousand (100,000) and not more than one hundred and ninety thousand (190,000) inhabitants, according to the last preceding Federal census, shall compute and fix the maximum annual salary to be paid an officer named in Section 13, of Chapter 465 of the Acts of the Second Called Session of the Forty-fourth Legislature, where such officer's salary was based upon population under the laws existing on August 24, 1935, on the basis of the population of said county, according to the last preceding Federal Census; provided that the commissioners' courts in said counties are authorized to fix the maximum annual salary for the balance of the fiscal year 1941 after the effective date of this Act on the basis of the Federal Census of 1940 and thereafter according to the last preceding Federal Census; and declaring an emergency."

H. J. R. No. 23, Proposing an amendment to Article 3 of the Constitution of the State of Texas authorizing the lending of Two Million (\$2,000,000.00) Dollars of the Permanent School Fund for the construction of a State office building, or buildings; providing for repayment to the Permanent School Fund; providing for the submission of this amendment to the voters of this State; and providing for

the necessary proclamation and expenses of publication.

H. C. R. No. 116, Granting N. D. Lenamond permission to sue the State of Texas and the State Highway Commission in Dallas County.

H. C. R. No. 124, Granting R. W. Dillard and wife of Ellis County, permission to bring suit against the State of Texas and against the Highway Department of the State of Texas.

H. C. R. No. 209, Granting Heiner B. McPherson of Hill County, Texas, permission to sue the State of Texas.

S. B. No. 93, A bill to be entitled "An Act amending Section 1 of S. B. No. 135, Acts 1939, Forty-sixth Legislature, Chapter 6, so as to except therefrom associations not operated for profit, composed only of the members of a particular religious denomination which do not provide insurance benefits in excess of One Thousand (\$1,000.00) Dollars on any one person and do not pay any officer of the association a salary in excess of One Hundred (\$100.00) Dollars per month."

S. B. No. 295, A bill to be entitled "An Act authorizing the commissioners' court in every county of the State of Texas having a population of not less than nineteen thousand ten (19,010), nor more than nineteen thousand seventy (19,070), and not less than twenty-three thousand eight hundred (23,800), nor more than twenty-four thousand (24,000), and not less than fifty-four thousand (54,000), nor more than fifty-four thousand five hundred (54,500), according to the last preceding Federal Census, to pay out of the general funds of such counties the premium on the surety bond required by law to be furnished by county treasurers; repealing all laws in conflict herewith; providing a saving clause; and declaring an emergency."

S. B. No. 402, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the Eleemosynary and Reformatory institutions of the State of Texas for the two-year period beginning September 1, 1941 and ending August 31, 1943; and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations; and declaring an emergency."

H. B. No. 188, A bill to be entitled "An Act amending Article 198 of the Revised Civil Statutes of the State of Texas, as amended by Acts

of the Forty-sixth Legislature, 1939, page 148, Section 1, relating to, and designating the Supreme Judicial Districts of the State of Texas, by transferring Brown County from the Third Supreme Judicial District to the Eleventh Supreme Judicial District; providing that this Act shall not affect the jurisdiction of the Court of Civil Appeals for the Third Supreme Judicial District in cases appealed from Brown County in which the transcript shall have been filed in said court prior to the date this Act takes effect; that in all cases from Brown County in which appeal or writ of error has been perfected, but the transcript not filed in the Court of Civil Appeals for the Third Supreme Judicial District prior to the effective date of this Act, the record of such case or cases shall be filed in the Court of Civil Appeals for the Eleventh Supreme Judicial District of Texas, which shall have jurisdiction; provided further, that in any case from a trial court in Brown County, in which appeal or writ of error may be perfected after the passage of this Act, but before its effective date, if the transcript be filed in the Court of Civil Appeals for either the Third or the Eleventh Supreme Judicial District of Texas within the time otherwise provided by law, such appeal shall not be dismissed for failure to file the transcript in the proper court, but if filed in the wrong court, the clerk thereof shall transmit the record, together with a transcript of any orders made in the case, to the proper court having jurisdiction; and declaring an emergency."

H. B. No. 272, A bill to be entitled "An Act fixing appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two fiscal years, beginning September 1, 1941, and ending August 31, 1943, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a saving clause; and declaring an emergency."

H. B. No. 848, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by



the Governor prior to January 1, 1941, and for which no appropriations have heretofore been made; and declaring an emergency."

H. B. No. 1084, A bill to be entitled "An Act to amend Chapter 63, Acts of 1933, Forty-third Legislature, First Called Session, page 169, as amended by Chapter 17, Acts of 1934, Forty-third Legislature, Fourth Called Session, page 47, so as to change Section 3 of said Chapter 63 so that the same may hereafter provide, in addition to its other provisions, that the Board of Directors of the Lower Neches Valley Authority shall consist of nine (9) instead of seven (7) members, all of whom shall be freehold property tax payers and legal voters of the State of Texas, and providing that such nine (9) directors shall be appointed by the State Board of Water Engineers, three (3) members thereof to be appointed for a term of two (2) years, three (3) members thereof to be appointed for a term of four (4) years; etc., and declaring an emergency."

H. B. No. 284, A bill to be entitled "An Act appropriating Eight Million One Hundred Twelve Thousand Seven Hundred and Seventy-five (\$8,112,775.00) Dollars for the school year ending August 31, 1942, and Eight Million One Hundred Twelve Thousand Seven Hundred Seventy-five (\$8,112,775.00) Dollars for the school year ending August 31, 1943, or so much thereof as may be necessary for the purpose of promoting the equalization and educational opportunities afforded by the State of Texas to all children of scholastic age within the State; providing for the allotment for Salary Aid, Transportation Aid, and High School Tuition Aid, and appropriation for administrative expenses; providing for the expenditure of said funds by the State Superintendent of Public Instruction through the Director of Education in the Department of Education; attaching conditions, regulations, and limitations relative to the expenditure of such appropriation; providing certain requirements such as scholastic population of districts, tax levy, school budget, and average daily attendance; providing certain requirements of school districts concerning the application for aid, providing a maximum salary schedule and other current expenses based upon the teacher unit basis and

the length of term; providing Two (\$2.00) Dollars per pupil per month transportation aid for all pupils living more than two and one-half (2½) miles from school attended and transported in the approved transportation system, such transportation based upon budgetary need and upon a county unit basis; etc., and declaring an emergency."

H. B. No. 420, A bill to be entitled "An Act to regulate the sale and labeling of agricultural and vegetable seeds, in the State of Texas and defining the manner of labeling of same by seed dealers who may expose and/or offer such seed for sale, providing for the testing of such seeds for germination and other purposes; defining person, agricultural seeds, vegetable seeds, hybrid seed corn, weed seeds, noxious-weed seeds and secondary noxious-weed seeds and advertisement, setting up labeling requirements for seeds, the sale of which is regulated by this Act and defining the physical testing methods of testing such seeds; etc., providing for the repeal of certain laws, providing a safety clause; and declaring an emergency."

S. B. No. 423, "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1941, and ending August 31, 1943; and for payment of other specified claims and items; authorizing and directing the establishment of an encumbrance accounting system for the appropriations herein made, and authorizing the Comptroller to establish rules and requiring department heads to comply therewith; providing for reports of absence from duty of employees; providing for the sale of printed matter; providing for installation of postage meter machines; regulating the use of photostat machines; providing the working hours and vacation allowance of employees; authorizing the receipt and use of Federal Aid; declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or re-election of certain candidates, and prescribing procedure for removal of such employees and penalties, and making it unlawful to use State-owned automobiles and equipment in connection with political campaigns; prescribing regulations

and restrictions on traveling expense and expense accounts of State officials and employees; etc., and declaring an emergency."

H. B. No. 570, A bill to be entitled "An Act appropriating for the fiscal year 1940-41 all moneys accruing to the Highway Light Test Fund in accordance with existing law; and appropriating the sum of Four Hundred (\$400.00) Dollars from the State Highway Fund for the year 1940-41 to the credit of the Highway Light Test Fund to be used for the purposes described by and in accordance with existing law; and declaring an emergency."

#### Motion to Place Senate Bill 268 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 268 be placed on its third reading and final passage.

Senator Moffett raised a point of order against consideration of the motion, on the ground that the Senate has on the current legislative day defeated a motion so suspend the constitutional rule and place the bill on third reading.

The President sustained the point of order.

#### Adjournment

Senator Brownlee moved that the Senate "adjourn for one minute."

Senator Cotten moved that the Senate adjourn until 10:00 o'clock a. m. Monday, June 23, 1941.

Senator Fain moved that the Senate adjourn until 10:00 o'clock a. m. Tuesday, June 24, 1941.

Question first recurring on the motion of Senator Fain, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8

Cotten	Metcalf
Fain	Sulak
Isbell	Van Zandt
Lanning	Vick

Nays—18

Aikin	Brownlee
Beck	Chadick

Formby	Moore
Kelley	Ramsey
Lemens	Shivers
Lovelady	Smith
Martin	Stone
Mauritz	Weinert
Moffett	York

Absent—Excused

Graves	Spears
Hazlewood	Winfield
Hill	

Senator Cotten then withdrew the motion to adjourn until 10:00 o'clock a. m. Monday, June 23, 1941.

#### Request to Take up House Bill 611

Senator Van Zandt asked unanimous consent of the Senate to move that the regular order of business be suspended to take up H. B. No. 611 on its second reading and passage to third reading.

The President announced there was objection to the request.

Question then recurring on the motion of Senator Brownlee, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—14

Brownlee	Lovelady
Fain	Martin
Formby	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick

Nays—12

Aikin	Moffett
Beck	Moore
Chadick	Ramsey
Cotten	Shivers
Mauritz	Weinert
Metcalf	York

Absent—Excused

Graves	Spears
Hazlewood	Winfield
Hill	

The Senate, accordingly, at 12:29 o'clock p. m., adjourned until 12:30 o'clock p. m., June 20, 1941.

**In Memory of**  
**Mrs. Thora Bridwell**

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Senator Moffett offered the following resolution:

(Senate Resolution 175)

Whereas, The Almighty Father, in His infinite wisdom, has called from this life Mrs. Thora Bridwell, of Wichita Falls, Texas, whose unexpected death occurred on Thursday, June 19, 1941, in the City of Wichita Falls; and

Whereas, Mrs. Thora Bridwell, a native Texan, was the wife of the Hon. Joe S. Bridwell, the immediate past president of the West Texas Chamber of Commerce, and also the immediate past president of the American Hereford Association, as well as a former president of the Chamber of Commerce of the City of Wichita Falls, and also many other civic institutions in that part of Texas; now, therefore, be it

Resolved, That the Senate of Texas extend its sincerest sympathy to the Hon. J. S. Bridwell and the other members of the family in their unexpected hour of bereavement; and, be it further

Resolved, That the Secretary of the Senate be instructed to send a copy of this resolution to the members of the family in the City of Wichita Falls.

**MOFFETT,  
FORMBY.**

The resolution was read and was adopted unanimously.